various laws defining the business concerns listed in section 7107, and has formed an informal task force with representatives of the SBA (including its Office of Chief Counsel for Advocacy), the MBDA, the DOT, the EPA, the Department of Defense, the Department of Energy, and the General Services Administration. Additionally, the Administrator has held meetings with representatives of 21 organizations or companies representing minorityowned, women-owned, and other appropriate business enterprises to discuss the review. During these meetings, OFPP has discussed the need for uniform definitions and the desirability of uniform certification standards and procedures.

This review has indicated that there are divergent definitions of the terms section 7107 covers. The primary problem appears to be that while the Small Business Act contains comprehensive definitions of socially and economically disadvantaged small businesses and women-owned small businesses, other statutes contain either differing definitions or similar terms with no definitions. Consequently, to further their program implementation responsibilities, agencies have, in some instances, adopted through the regulatory process definitions which differ from those of the Small Business Act. This tends to cause confusion and inefficiency within the government and within the small business community.

Statutory definitions: It is not always clear from the relevant statutes as to which of the four terms in section 7107 the statutes would apply. However, after reviewing the laws and discussing the issues with representatives of Federal Government agencies and of minority and women-owned businesses, the Administrator has determined that the following provisions of law are relevant to defining (a) concerns owned and controlled by socially and economically disadvantaged individuals; (b) minorityowned concerns; (c) concerns owned and controlled by women; and, (d) woman-owned concerns:

1. Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals and Minority-owned Concerns:

10.11 S.C. 82323(a) (Armed Forces)

10 U.S.C. § 2323(a) (Armed Forces) 15 U.S.C. § 637(a)(4) (Small Business Act)

15 U.S.C. § 637(a)(5) (Small Business Act)

15 U.S.C. § 637(a)(6) (Small Business Act)

15 U.S.C. § 637(a)(13) (Small Business Act)

15 U.S.C. § 637(a)(14) (Small Business Act)

15 U.S.C. § 637(a)(15) (Small Business Act)

15 U.S.C. § 637(a)(17) (Small Business Act)

15 U.S.C. § 637(d)(3)(C) (Small Business Act)

49 U.S.C. § 332 (Transportation) 49 U.S.C. § 47113(a) (Transportation) Public Law 101–165, Department of Defense Appropriations Act, 1990, Section 9004

2. Concerns Owned and Controlled by Women and Woman-owned Concerns: 15 U.S.C. § 632(n) (Small Business Act) 15 U.S.C. § 637(d)(3)(D) (Small Business Act)

49 U.S.C. § 332 (Transportation) 49 U.S.C. § 47113(a) (Transportation) Public Law 102–377, Section 304 (a)&(b) Energy and Water Development Appropriations Act, 1993 Public Law 102–486, the Energy Policy

Act of 1992, Section 3021
Public Law 102–240, Intermodel Surface

Public Law 102–240, Intermodel Surface Transportation Efficiency Act of 1991, Section 1003(b)

Example of Statutory Discrepancy: The Small Business Act, at 15 U.S.C. § 637(d)(3)(D), provides as follows: "The term 'small business concern owned and controlled by women' shall mean a small business concern—(i) which is at least 51 per centum owned by one or more women; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and (ii) whose management and daily business operations are controlled by one or more women." Section 1003(b)(2)(B) of the **Intermodel Surface Transportation** Efficiency Act of 1991 provides as follows: "Socially and Economically Disadvantaged Individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. § 737(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection." For their respective programs, these two statutes provide differing coverage for women-owned businesses. One provides a separate definition; the other includes women within the definition of socially and economically disadvantaged individuals.

Regulatory definitions: In addition, the following provisions of federal regulations, which represent the implementing guidance of the various federal departments and agencies, are relevant to the interpretation of the statutes cited above:

48 CFR Part 19 (Federal Acquisition Regulation System) 7 CFR Part 3403 (Agriculture) 10 CFR Part 470 (Energy) 13 CFR Part 124 (Business Credit and Assistance) (Small Business Administration) 48 CFR Part 219 (Federal Acquisition Regulation System) (Defense)

49 CFR Part 23 (Transportation)

49 CFR Part 265 (Transportation) Review of statutory definitions: OFPP has reviewed the above listed statutes and regulations. OFPP interprets the provisions of section 7107 as directing the Administrator to recommend a single, uniform definition for socially and economically disadvantaged and minority owned small businesses. It makes the same interpretation regarding small businesses owned and controlled by women and woman-owned small businesses. Consequently, the Administrator does not intend to recommend substantive changes in the definitions of these terms, other than those necessary to arrive at a uniform definition. The Administrator does intend to recommend adoption of a single, uniform definition for small disadvantaged businesses and for women-owned small businesses, respectively. Furthermore, the Administrator currently intends to recommend statutory provisions which would provide that the definitions of these terms contained in the Small Business Act, as it would be amended, would supersede all other similar definitions of these terms contained in

Certifications: Certification of firms as eligible participants in a program for small disadvantaged or small womenowned businesses is one of the most important features of such a program. A reliable certification program ensures that only eligible firms participate, while preventing ineligible firms from taking advantage of the program. A certification program that meets this objective may range from the simple to the complex and may, depending on the nature of the program adopted, impose significant administrative and financial burdens on agencies and small businesses. Several issues have been raised regarding possible changes to certification standards and procedures. The preliminary discussions held to date indicate a wide variety of views as to the most desirable method of performing certifications of small businesses as socially and economically disadvantaged and as women-owned. The possible methods of accomplishing this include the following:

various other laws.

a. Creation of a uniform federal government-wide certification program.