

**§ 126.101 Which government departments or agencies are affected directly by the HUBZone program?**

(a) Until September 30, 2000, the HUBZone program applies only to procurements by the following departments and agencies:

- (1) Department of Agriculture;
- (2) Department of Defense;
- (3) Department of Energy;
- (4) Department of Health and Human Services;
- (5) Department of Housing and Urban Development;
- (6) Department of Transportation;
- (7) Department of Veterans Affairs;
- (8) Environmental Protection Agency;
- (9) General Services Administration; and
- (10) National Aeronautics and Space Administration.

(b) After September 30, 2000, the HUBZone program will apply to all federal departments and agencies which employ one or more contracting officers as defined by 41 U.S.C. 423(f)(5).

**§ 126.102 What is the effect of the HUBZone program on the section 8(d) subcontracting program?**

The HUBZone Act of 1997 amended the section 8(d) subcontracting program to include qualified HUBZone SBCs in the formal subcontracting plans described in § 125.3 of this title.

**§ 126.103 What definitions are important in the HUBZone program?**

*Administrator* means the Administrator of the United States Small Business Administration (SBA).

*AA/8(a)BD* means SBA's Associate Administrator for 8(a) Business Development.

*AA/HUB* means SBA's Associate Administrator for the HUBZone Program.

*ADA/GC&8(a)BD* means SBA's Associate Deputy Administrator for Government Contracting and 8(a) Business Development.

*Certify* means the process by which SBA determines that a HUBZone SBC is qualified for the HUBZone program and entitled to be included in SBA's "List of Qualified HUBZone SBCs."

*Citizen* means a person born or naturalized in the United States. SBA does not consider holders of permanent visas and resident aliens to be citizens.

*Concern* means a firm which satisfies the requirements in §§ 121.105(a) and (b) of this title.

*Contract opportunity* means a situation in which a requirement for a procurement exists, none of the exclusions from § 126.605 applies, and any applicable conditions in § 126.607 are met.

*County* means the political subdivisions recognized as a county by a state or commonwealth or which is an equivalent political subdivision such as a parish, borough, independent city, or *municipio*, where such subdivisions are not subdivisions within counties.

*County unemployment rate* is the rate of unemployment for a county based on the most recent data available from the United States Department of Labor, Bureau of Labor Statistics. The appropriate data may be found in the DOL/BLS publication titled "Supplement 2, Unemployment in States and Local Areas." This publication is available for public inspection at the Department of Labor, Bureau of Labor Statistics, Division of Local Area Unemployment Statistics located at 2 Massachusetts Ave., NE, Room 4675, Washington D.C. 20212. A copy is also available at SBA, Office of AA/HUB, 409 3rd Street, SW, Washington D.C. 20416.

*De-certify* means the process by which SBA determines that a concern is no longer a qualified HUBZone SBC and removes that concern from its List.

*Employee* means a person (or persons) employed by a HUBZone SBC on a full-time (or full-time equivalent), permanent basis. Full-time equivalent includes employees who work 30 hours per week or more. Full-time equivalent also includes the aggregate of employees who work less than 30 hours a week, where the work hours of such employees add up to at least a 40 hour work week. The totality of the circumstances, including factors relevant for tax purposes, will determine whether persons are employees of a concern. Temporary employees, independent contractors or leased employees are not employees for these purposes.

*Example 1:* 4 employees each work 20 hours per week; SBA will regard that circumstance as 2 full-time equivalent employees.

*Example 2:* 1 employee works 20 hours per week and 1 employee works 15 hours per