“(H) a small business concern that—
(1) is a nontraditional defense contractor, as such term is defined in section 3014 of title 10, United States Code; or
(2) provides goods or services in the private sector that are critical to enhancing the capabilities of the defense supplier base and fulfilling key Defense needs to Congress.

(3) The term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(4) The term ‘historically Black college and university’ means any of the historically Black colleges and universities referred to in section 2323 of title 10, United States Code, as in effect on March 1, 2018.

(5) The term ‘minority institution of higher education’ means an institution of higher education with a student body that reflects the composition specified in section 312(b)(3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), and (5)).

(6) The term ‘subcontracting participation goal’, with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as established pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(7) The term ‘qualified organization employing the severely disabled’ means a business entity operated on a for-profit or nonprofit basis that—
(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;
(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;
(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and
(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

(8) The term ‘severely disabled individual’ means an individual who is blind (as defined in section 8501 of title 41, United States Code) or a severely disabled individual.

(9) The term ‘affiliation’, with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).

essary to inform such persons of emerging and existing capabilities of such concerns.

(e) ENHANCED OUTREACH UNDER PROCUREMENT TECHNICAL ASSISTANCE PROGRAM MARKET.—The Secretary shall enable and promote activities to provide coordinated outreach to small business concerns through any procurement technical assistance program established under chapter 388 of this title to facilitate small business contracting with the Department of Defense.


Editorial Notes

REFERENCES IN TEXT

Section 3 of the Small Business Act, referred to in subsec. (b)(1), is classified to section 632 of Title 15, Commerce and Trade.

Section 801 of the National Defense Authorization Act for Fiscal Year 2018, referred to in subsec. (c), is section 801 of Pub. L. 115–91, which is set out as a note under section 2902 of this title.

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 2283 of this title as this section and substituted ‘‘chapter 388’’ for ‘‘chapter 142’’ in subsecs. (b)(3) and (e).

Statutory Notes and Related Subsidaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3901 of this title.

REPORT ON UNFUNDED PRIORITIES OF THE SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM


‘‘(a) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for fiscal years 2022 through 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees (Committees on Armed Services and Appropriations of the Senate and the House of Representatives) a report on unfunded priorities of the Department of Defense related to high-priority Small Business Innovation Research and Small Business Technology Transfer projects.

‘‘(b) ELEMENTS.—

‘‘(1) IN GENERAL.—Each report under subsection (a) shall include identification of not more than five unfunded priority projects and the following information for each such unfunded priority project:

‘‘(A) A summary description of the unfunded priority project, including the objectives to be achieved if such project were to be funded (either in whole or in part).

‘‘(B) The additional amount of funds recommended to achieve the objectives identified under subparagraph (A).

‘‘(C) Account information with respect to such unfunded priority project, including, as applicable, the following:

‘‘(i) Line item number, in the case of applicable procurement accounts.

‘‘(ii) Program element number, in the case of applicable research, development, test, and evaluation accounts.

‘‘(iii) Subactivity group, in the case of applicable operation and maintenance accounts.

‘‘(2) PRIORITY.—Each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall ensure that the unfunded priorities covered by a report submitted under subsection (a) are listed in the order of urgency of priority.

‘‘(c) DEFINITIONS.—In this section:

‘‘(1) UNFUNDED PRIORITY.—The term ‘unfunded priority’, with respect to a fiscal year, means a specific project related to a project successfully funded under Phase II of the Small Business Innovation Research or Small Business Technology Transfer program that—

‘‘(A) is not funded in the budget of the President for that fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code;

‘‘(B) has the potential to—

‘‘(i) advance the national security capabilities of the United States;

‘‘(ii) provide new technologies or processes, or new applications of existing technologies or successes, that will enable new alternatives to existing programs; and

‘‘(iii) provide future cost savings; and

‘‘(C) would have been recommended for funding through the budget referred to in subparagraph (A) if—

‘‘(i) additional resources had been available to fund the program, activity, or mission requirement to which the specific project relates; or

‘‘(ii) the program, activity, or mission requirement for such specific project had emerged before the budget was formulated.

‘‘(2) PHASE II; SMALL BUSINESS INNOVATION RESEARCH; SMALL BUSINESS TECHNOLOGY TRANSFER.—The terms ‘Phase II’, ‘Small Business Innovation Research’, and ‘Small Business Technology Transfer’ have the meanings given such terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).’’

INITIATIVES TO SUPPORT SMALL BUSINESSES IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE


‘‘(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Industrial Base Policy (established under section 903 of this Act [amending section 138 of this title]) and other appropriate officials, in carrying out the activities described under [former] subchapter II of chapter 148 of title 10, United States Code [see section 362 of this title], shall establish initiatives to increase the effectiveness of the Department of Defense in specifically leveraging small businesses to eliminate gaps and vulnerabilities in the national technology and industrial base (as defined in section 2500 of title 10, United States Code [now 10 U.S.C. 4801]) and expand the number of small businesses in the national technology and industrial base.

‘‘(b) INITIATIVES.—

‘‘(1) UPDATES FOR SMALL BUSINESS STRATEGY.—Not later than October 1, 2022, and biennially thereafter, [sic] shall update the small business strategy required under section 2283 of title 10, United States Code (now 10 U.S.C. 4801), and provide such updated strategy to the congressional defense committees (Committees on Armed Services and Appropriations of the Senate and the House of Representatives).

‘‘(2) IMPLEMENTATION PLAN.—

‘‘(A) IN GENERAL.—Not later than March 1, 2023, and biennially thereafter, the Secretary of Defense shall develop an implementation plan consistent with the most recent small business strategy developed under such section 2283 [now 4801], and provide such plan to the congressional defense committees.
“(B) Elements.—The implementation plan described in subparagraph (A) shall include an identification of the following:

(1) Organizations responsible for implementation activities.

(2) Metrics to evaluate progress of implementation activities.

(3) Resources to support implementation activities.

(4) Outcomes achieved as a result of executing the previous small business strategy developed under this section.

“(3) Mechanisms to assess and support small businesses in technology and industrial base.

(a) The Secretary of Defense shall—

(1) establish policies, procedures, and information repositories to identify small businesses in the defense supply chain, including—

(i) small businesses participating in an acquisition program of a military department or Defense Agency (as defined in section 101(11) of title 10, United States Code);

(ii) small businesses contracting with the Defense Logistics Agency; and

(iii) other small businesses in the national technology and industrial base;

(2) establish policies and procedures to assess the financial status of critical small businesses; and

(b) enter into an agreement with the acquisition research organization within a civilian college or university that is described under section 2361a(a) of title 10, United States Code (now 10 U.S.C. 4122(a)) (commonly referred to as the ‘Acquisition Innovation Research Center’), to analyze mechanisms that could be established to allow the Secretary of Defense to provide direct financial support to critical small businesses that require additional financial assistance, including critical small businesses that are—

(1) contracting with the Defense Logistics Agency;

(2) subcontractors (at any tier); or

(3) in critical technology sectors.

“(c) Reports.—

(1) Report on activities.—Not later than October 1, 2021, the Assistant Secretary of Defense for Industrial Base Policy shall submit to the appropriate committees a report on activities undertaken pursuant to this section.

(2) Implementation plan for 2019 small business strategy.—Not later than June 1, 2021, the Secretary of Defense shall submit an implementation plan for the small business strategy required under section 2363 of title 10, United States Code (now 10 U.S.C. 4901), and dated October 1, 2019, including an identification of specific responsible individuals and organizations, milestones and metrics, and resources to support activities identified in the implementation plan.

“(d) Small business defined.—In this section, the term ‘small business’ has the meaning given by the Secretary of Defense, except that such term shall include prime contractors and subcontractors (at any tier).

Pilots program for development of technology-enhanced capabilities with partnership intermediaries


“(a) Establishment.—The Secretary of Defense may authorize the Commander of the United States Special Operations Command to use funds described in subsection (b) for a pilot program under which the Commander shall make, through the use of a partnership intermediary, covered awards to small business concerns to develop technology-enhanced capabilities for special operations forces.

“(b) Funds.—

“(1) In general.—The funds described in this subsection are funds transferred to the Commander of the United States Special Operations Command to carry out the pilot program established under this section from funds available to be expended by each covered entity pursuant to section 9(f) of the Small Business Act (15 U.S.C. 638(f)).

“(2) Limitations.—

“(A) Fiscal year.—A covered entity may not transfer to the Commander an amount greater than 10 percent of the funds available to be expended by such covered entity pursuant to such section 9(f) for a fiscal year.

“(B) Aggregate amount.—The aggregate amount of funds to be transferred to the Commander may not exceed $20,000,000.

“(c) Partnership intermediaries.—

“(1) Authorization.—The Commander may modify an existing agreement with a partnership intermediary to assist the Commander in carrying out the pilot program under this section, including with respect to the award of contracts and agreements to small business concerns.

“(2) Limitation.—None of the funds described in subsection (b) may be used to pay a partnership intermediary for any costs associated with the pilot program.

“(3) Data.—With respect to a covered award made under this section, the Commander shall gather data on the role of the partnership intermediary to include the—

“(A) staffing structure;

“(B) funding sources; and

“(C) methods for identifying and evaluating small business concerns eligible for a covered award.

“(d) Report.—

“(1) Annual report.—Not later than October 1 of each year until October 1, 2026, the Commander of the United States Special Operations Command, in coordination with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees (Committees on Armed Services and Appropriations of the Senate and the House of Representatives), the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report including—

“(A) a description of each agreement with a partnership intermediary entered into pursuant to this section;

“(B) for each covered award made under this section—

“(i) a description of the role served by the partnership intermediary;

“(ii) the amount of funds obligated;

“(iii) an identification of the small business concern that received such covered award;

“(iv) a description of the use of such covered award;

“(v) a description of the role served by the program manager (as defined in section 1737 of title 10, United States Code) of the covered entity with respect to the small business concern that received such covered award, including a description of interactions and the process of the program manager in producing a past performance evaluation of such concern; and

“(vi) the benefits achieved as a result of the use of a partnership intermediary for the pilot program established under this section as compared to previous efforts of the Commander to increase participation by small business concerns in the development of technology-enhanced capabilities for special operations forces; and

“(C) a plan detailing how each covered entity will apply lessons learned from the pilot program to improve processes for directly working with and supporting small business concerns to develop technology-enhanced capabilities for special operations forces.
4951. Definitions
4955. Funding.
4956. Distribution.
4957. Subcontractor information.
4958. Authority to provide certain types of technical assistance.
4959. Advancing small business growth.
4960. [Reserved].
4961. Administrative and other costs.

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AMENDMENTS


Statutory Notes and Related Subsidiaries

NOTICE OF COST-FREE FEDERAL PROCUREMENT TECHNICAL ASSISTANCE IN CONNECTION WITH REGISTRATION OF small business CONCERNS ON PROCUREMENT WEBSITES OF THE DEPARTMENT OF DEFENSE


“(a) IN GENERAL.—The Secretary of Defense shall establish procedures to ensure that any notice or direct communication regarding the registration of a small business concern on a website maintained by the Department of Defense relating to contracting opportunities contains information about cost-free Federal procurement technical assistance services that are available through a procurement technical assistance program established under [former] chapter 142 of title 10, United States Code [see chapter 388 of this title].

“(b) SMALL BUSINESS CONCERN DEFINED.—The term ‘small business concern’ has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

§ 4951. Definitions

In this chapter:

(1) The term ‘eligible entity’ means any of the following:

(A) A State.

(B) A local government.

(C) A private, nonprofit organization.

(D) A tribal organization, as defined in section 5304(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(b)), or an economic enterprise, as defined in section 3(e) of the Indian Financing Act of 1974 (Public Law 93–262; 25 U.S.C. 1452(e)), whether or not such economic enterprise is organized for profit purposes or nonprofit purposes.

(2) The term ‘distressed area’ means—

(A) the area of a unit of local government (or such area excluding the area of any defined political jurisdiction within the area of such unit of local government) that—

(i) has a per capita income of 80 percent or less of the State average; or

(ii) has an unemployment rate that is one percent greater than the national average for the most recent 24-month period for which statistics are available; or

(B) a reservation, as defined in section 3(d) of the Indian Financing Act of 1974 (Public Law 93–262; 25 U.S.C. 1452(d)).