Department of Defense contract administrative services district. If in any such fiscal year there is an insufficient number of satisfactory proposals in a district for cooperative agreements to allow effective use of the funds allocated to that district, the funds remaining with respect to that district shall be reallocated among the remaining districts.

(Added Pub. L. 98–525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2606, §2415; amended Pub. L. 99–145, title IX, §919(b), Nov. 8, 1985, 99 Stat. 692; Pub. L. 100–180, div. A, title VIII, §807(c), Dec. 4, 1987, 101 Stat. 1128; Pub. L. 105–261, div. A, title VIII, §802(a)(2), (b), Oct. 17, 1998, 112 Stat. 2081; Pub. L. 106–398, §1 [[div. A], title X, §1087(d)(5)], Oct. 30, 2000, 114 Stat. 1654, 1654A–293; renumbered §4956, Pub. L. 116–283, div. A, title XVIII, §1872(a)(7), Jan. 1, 2021, 134 Stat. 4288; Pub. L. 117–81, div. A, title XVII, §1701(b)(24), (m)(2)(C), Dec. 27, 2021, 135 Stat. 2135, 2144.)

Editorial Notes

CODIFICATION

Pub. L. 117–81, div. A, title XVII, §1701(m)(2)(E), Dec. 27, 2021, 135 Stat. 2145, amended Pub. L. 116–283, §1872(a)(9), which had originally transferred section 2418 of this title to this section. After amendment by Pub. L. 117–81, section 1872(a)(9) of Pub. L. 116–283 instead transferred section 2418 to section 4958 of this title.

AMENDMENTS

2021—Pub. L. 116–283, §1872(a)(7), as amended by Pub. L. 117–81, §1701(b)(24), (m)(2)(C), renumbered section 2415 of this title as this section.

2000—Pub. L. 106–398 made technical amendment to directory language of Pub. L. 105–261, §802(b). See 1998 Amendment note below.

1998—Pub. L. 105–261, §802(a)(2), substituted ''district'' for ''region'' wherever appearing and ''districts'' for ''regions''.

Pub. L. 105–261, §802(b), as amended by Pub. L. 106–398, substituted ''Department of Defense contract administrative services'' for ''Defense Contract Administration Services''.

1987—Pub. L. 100–180, §807(c), struck out subsecs. (a) and (b) relating to requirement by Secretary of Defense to reserve 75% of first $3,000,000 appropriated to carry out this chapter for purpose of assisting cooperative agreements entered into under section 2413 of this title for fiscal years 1986 and 1987, and for fiscal years after 1987 the authority of Secretary to allocate funds in accordance with such cooperative agreements, and substituted ''The'' for ''(c) For any amount appropriated to carry out this chapter for fiscal year 1986 or 1987 in excess of $3,000,000, the''.

1985—Subsec. (a)(2). Pub. L. 99–145, §919(b)(1)(A), substituted ''fiscal years 1986 and 1987'' for ''fiscal year 1985 is 50 percent and during fiscal year 1986''.

Subsec. (a)(3). Pub. L. 99–145, §919(b)(1)(B), added par. (3).

Subsec. (b). Pub. L. 99–145, §919(b)(2), substituted ''1987'' for ''1986''.

Subsec. (c). Pub. L. 99–145, §919(b)(3), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

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 3001 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, §1 [[div. A], title X, §1087(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A–292, provided that the amendment made by section 1 [[div. A], title X, §1087(d)(5)] is effective Oct. 17, 1998, and as if included in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105–261, as enacted.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–145 effective Oct. 1, 1985, see section 919(d) of Pub. L. 99–145, set out as a note under section 4954 of this title.

§ 4957. Subcontractor information

(a) CONTRACTORS TO PROVIDE INFORMATION.—The Secretary of Defense shall require that any defense contractor in any year shall provide to an eligible entity with which the Secretary has entered into a cooperative agreement under this chapter, on the request of such entity, the information specified in subsection (b).

(b) INFORMATION TO BE PROVIDED.—Information to be provided under subsection (a) is a listing of the name of each appropriate employee of the contractor who has responsibilities with respect to entering into contracts on behalf of such contractor that constitute subcontracts of contracts being performed by such contractor, together with the business address and telephone number and area of responsibility of each such employee.

(c) FREQUENCY.—A defense contractor need not provide information under this section to a particular eligible entity more frequently than once a year.

(d) DEFINITION.—In this section, the term ''defense contractor'', for any year, means a person awarded a contract with the Department of Defense in that year for an amount in excess of $1,000,000.

(Added Pub. L. 99–500, §101(c) [title X, §957(a)(1)(B)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–174, and Pub. L. 99–591, §101(c) [title X, §957(a)(1)(B)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–174, §2416; Pub. L. 99–661, div. A, title IX, formerly title IV, §957(a)(1)(B), Nov. 14, 1986, 100 Stat. 3954, renumbered title IX, Pub. L. 100–26, §3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 108–375, div. A, title VIII, §816, Oct. 28, 2004, 118 Stat. 2015; renumbered §4957 and amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(8), Jan. 1, 2021, 134 Stat. 4289; Pub. L. 117–81, div. A, title XVII, §1701(b)(24), (m)(2)(D), Dec. 27, 2021, 135 Stat. 2135, 2145.)

Editorial Notes

CODIFICATION

Pub. L. 117–81, div. A, title XVII, §1701(m)(2)(F), Dec. 27, 2021, 135 Stat. 2145, amended Pub. L. 116–283, §1872(a)(10), which had originally transferred section 2419 of this title to this section. After amendment by Pub. L. 117–81, section 1872(a)(10) of Pub. L. 116–283 instead transferred section 2419 to section 4959 of this title.

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

Pub. L. 99–500, Pub. L. 99–591, and Pub. L. 99–661 added identical sections.

AMENDMENTS

2021—Pub. L. 116–283, §1872(a)(8), as amended by Pub. L. 117–81, §1701(b)(24), (m)(2)(D), renumbered section 2416 of this title as this section and inserted headings in subsecs. (a) to (d).

2004—Subsec. (d). Pub. L. 108–375 substituted ''$1,000,000'' for ''$500,000''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

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 3001 of this title.

EFFECTIVE DATE

Pub. L. 99–500, §101(c) [title X, §957(b)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–175, Pub. L. 99–591, §101(c) [title X, §957(b)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–175, and Pub. L. 99–661, div. A, title IX, formerly title IV, §957(b), Nov. 14, 1986, 100 Stat. 3955, renumbered title IX, Pub. L. 100–26, §3(5), Apr. 21, 1987, 101 Stat. 273, provided that: ''Section 2416 of title 10, United States Code [now 10 U.S.C. 4957], as added by subsection (a), shall take effect on January 1, 1987.''

§ 4958. Authority to provide certain types of technical assistance

(a) ASSISTANCE RELATING TO CERTAIN NON-DEFENSE CONTRACTS.—The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include technical assistance relating to contracts entered into with (1) Federal departments and agencies other than the Department of Defense, and (2) State and local governments.

(b) INFORMATION RELATING TO ASSISTANCE AND OTHER PROGRAMS AVAILABLE.—An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.

(c) EDUCATION ON REQUIREMENTS APPLICABLE TO SMALL BUSINESSES UNDER CERTAIN REGULATIONS.—An eligible entity assisted by the Department of Defense under this chapter also may furnish education on the requirements applicable to small businesses under the regulations issued—

(1) under section 38 of the Arms Export Control Act (22 U.S.C. 2778), and on compliance with those requirements;

(2) under section 9 of the Small Business Act (15 U.S.C. 638), and on compliance with those requirements;

(3) under clause 252.204–7012 of the Defense Acquisition Regulation Supplement, or any successor regulation, and on compliance with those requirements (and any successor requirements); and

(4) under section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1505), and on compliance with those requirements (and any such successor requirements).

(Added Pub. L. 102–484, div. D, title XLII, §4236(a)(1)(B), Oct. 23, 1992, 106 Stat. 2691, §2418; amended Pub. L. 113–291, div. A, title VIII, §823(b), Dec. 19, 2014, 128 Stat. 3436; Pub. L. 115–91, div. A, title XVII, §1708, Dec. 12, 2017, 131 Stat. 1809; renumbered §4958 and amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(9), Jan. 1, 2021, 134 Stat. 4289; Pub. L. 117–81, div. A, title XVII, §1701(b)(24), (m)(2)(E), Dec. 27, 2021, 135 Stat. 2135, 2145; Pub. L. 118–31, div. A, title VIII, §853(c), Dec. 22, 2023, 137 Stat. 344.)

Editorial Notes

REFERENCES IN TEXT

The Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, referred to in subsec. (b), is div. D of Pub. L. 102–484, Oct. 23, 1992, 106 Stat. 2658. For complete classification of div. D to the Code, see Short Title note set out under section 4801 of this title and Tables.

Section 847 of the National Defense Authorization Act for Fiscal Year 2020, referred to in subsec. (c)(4), is section 847 of Pub. L. 116–92, which is set out as a note under section 4819 of this title.

AMENDMENTS

2023—Subsec. (c)(3), (4). Pub. L. 118–31 added pars. (3) and (4).

2021—Pub. L. 116–283, §1872(a)(9), as amended by Pub. L. 117–81, §1701(b)(24), (m)(2)(E), renumbered section 2418 of this title as this section and inserted headings in subsecs. (a) to (c).

2017—Subsec. (c). Pub. L. 115–91 substituted ''issued—'' for ''issued'', inserted par. (1) designation before ''under'' and comma before ''and on compliance'', and added par. (2).

2014—Subsec. (c). Pub. L. 113–291 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

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 3001 of this title.

§ 4959. Advancing small business growth

(a) CONTRACT CLAUSE REQUIRED.—(1) The Under Secretary of Defense for Acquisition and Sustainment shall require the clause described in paragraph (2) to be included in each covered contract awarded by the Department of Defense.

(2) The clause described in this paragraph is a clause that—

(A) requires the contractor to acknowledge that acceptance of the contract may cause the business to exceed the applicable small business size standards (established pursuant to section 3(a) of the Small Business Act) for the industry concerned and that the contractor may no longer qualify as a small business concern for that industry; and

(B) encourages the contractor to develop capabilities and characteristics typically desired in contractors that are competitive as an other-than-small business in that industry.

(b) AVAILABILITY OF ASSISTANCE.—Covered small businesses may be provided assistance as