

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