

Secretary shall enable and promote activities to provide coordinated outreach to small business concerns through any procurement technical assistance program established under chapter 142 of this title to facilitate small business contracting with the Department of Defense.

(Added Pub. L. 115-232, div. A, title VIII, § 851(a), Aug. 13, 2018, 132 Stat. 1883.)

#### 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 2302 of this title.

#### PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES

Pub. L. 116-92, div. A, title VIII, § 851, Dec. 20, 2019, 133 Stat. 1510, provided that:

“(a) ESTABLISHMENT.—The Commander of the United States Special Operations Command may use the greater of \$2,000,000 or 5 percent of the funds required to be expended by the United States Special Operations Command under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for a pilot program to increase participation by small business concerns in the development of technology-enhanced capabilities for special operations forces.

“(b) USE OF PARTNERSHIP INTERMEDIARY.—

“(1) AUTHORIZATION.—The Commander of the United States Special Operations Command 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) USE OF FUNDS.—None of the funds referred to in subsection (a) shall be used to pay a partnership intermediary for any administrative costs associated with the pilot program.

“(c) REPORT.—Not later than October 1, 2020, and October 1, 2021, 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 describing any agreement with a partnership intermediary entered into pursuant to this section. The report shall include, for each such agreement, the amount of funds obligated, an identification of the recipient of such funds, and a description of the use of such funds.

“(d) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, 2021.

“(e) DEFINITIONS.—In this section:

“(1) PARTNERSHIP INTERMEDIARY.—The term ‘partnership intermediary’ has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

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

“(3) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—The term ‘Small Business Innovation Research Program’ has the meaning given the term in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)).

“(4) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—The term ‘Small Business Technology Trans-

fer Program’ has the meaning given the term in section 9(e)(6) of the Small Business Act (15 U.S.C. 638(e)(6)).

“(5) TECHNOLOGY-ENHANCED CAPABILITY.—The term ‘technology-enhanced capability’ means a product, concept, or process that improves the ability of a member of the Armed Forces to achieve an assigned mission.”

#### IMPLEMENTATION

Pub. L. 115-232, div. A, title VIII, § 851(b), Aug. 13, 2018, 132 Stat. 1884, provided that:

“(1) DEADLINE.—The Secretary of Defense shall develop the small business strategy required by section 2283 of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act [Aug. 13, 2018].

“(2) NOTICE TO CONGRESS AND PUBLICATION.—Upon completion of the development of the small business strategy pursuant to paragraph (1), the Secretary shall—

“(A) transmit the strategy to Congress; and

“(B) publish the strategy on a public website of the Department of Defense.”

#### § 2284. Explosive Ordnance Disposal Defense Program

(a) IN GENERAL.—The Secretary of Defense shall carry out a program to be known as the “Explosive Ordnance Disposal Defense Program” (in this section referred to as the “Program”) under which the Secretary shall ensure close and continuous coordination between military departments on matters relating to explosive ordnance disposal support for commanders of geographic and functional combatant commands.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The plan under subsection (a) shall include provisions under which—

(1) the Secretary of Defense shall—

(A) assign the responsibility for the direction, coordination,<sup>1</sup> integration of the Program within the Department of Defense to an Assistant Secretary of Defense; and

(B) designate the Secretary of the Navy, or a designee of the Secretary’s choice, as the executive agent for the Department of Defense responsible for providing oversight of the training and technology program that coordinates and integrates joint requirements for explosive ordnance disposal, provides common individual training, and carries out joint research, development, test, and evaluation activities for common tools on behalf of the military departments with respect to explosive ordnance disposal;

(2) the Assistant Secretary of Defense to whom responsibility is assigned under paragraph (1)(A) shall serve as the key individual for the Program responsible for developing and overseeing policy, plans, programs, and budgets, and issuing guidance and providing direction on Department of Defense explosive ordnance disposal activities;

(3) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities, including other transactions and procurement

<sup>1</sup> So in original. The word “and” probably should appear.

activities to address military department unique needs; and

(4) the Secretary of the Army shall designate an Army explosive ordnance disposal-qualified general officer to serve as the co-chair of the Department of Defense explosive ordnance disposal defense program.

(c) ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—

(1) For fiscal year 2021 and each fiscal year thereafter, the Secretary of Defense shall submit to Congress with the defense budget materials a consolidated budget justification display, in classified and unclassified form, that includes all of activities of the Department of Defense relating to the Program.

(2) The budget display under paragraph (1) for a fiscal year shall include a single program element for each of the following:

- (A) Civilian and military pay.
- (B) Research, development, test, and evaluation.
- (C) Procurement.
- (D) Other transaction agreements.
- (E) Military construction.

(3) The budget display shall include funding data for each of the military department's respective activities related to explosive ordnance disposal, including—

- (A) operation and maintenance; and
- (B) overseas contingency operations.

(d) DEFINITIONS.—In this section:

(1) The term “explosive ordnance” has the meaning given such term in section 283(d) of this title.

(2) The term “explosive ordnance disposal” means the detection, identification, on-site evaluation, rendering safe, exploitation, recovery, and final disposal of explosive ordnance.

(Added Pub. L. 115–232, div. A, title III, §311(a), Aug. 13, 2018, 132 Stat. 1708; amended Pub. L. 116–92, div. A, title X, §1052, title XVII, §1731(a)(36), Dec. 20, 2019, 133 Stat. 1590, 1814.)

AMENDMENTS

2019—Pub. L. 116–92, §1731(a)(36), substituted section symbol for “SEC.” before section designation.

Subsec. (b)(1)(A). Pub. L. 116–92, §1052(a)(2)(A), inserted “and” at end.

Subsec. (b)(1)(B). Pub. L. 116–92, §1052(a)(2)(D)(iii)–(v), substituted “evaluation activities for common tools on behalf of the military departments” for “evaluation and procurement activities on behalf of the military departments and combatant commands”.

Pub. L. 116–92, §1052(a)(2)(D)(ii), which directed insertion of “, provides common individual training,” after “explosive ordnance disposal”, was executed by making the insertion after “explosive ordnance disposal” the first place appearing to reflect the probable intent of Congress.

Pub. L. 116–92, §1052(a)(2)(D)(i), substituted “training and technology program that” for “joint program executive officer who”.

Pub. L. 116–92, §1052(a)(2)(C), redesignated subpar. (C) as (B). Former subpar. (B) redesignated par. (2).

Pub. L. 116–92, §1052(a)(2)(B), redesignated subpar. (B) as par. (2).

Subsec. (b)(1)(C) to (E). Pub. L. 116–92, §1052(a)(2)(C), (E), redesignated subpar. (C) as (B) and struck out subpars. (D) and (E) which read as follows:

“(D) designate a combat support agency to exercise fund management responsibility of the Department of

Defense-wide program element for explosive ordnance disposal research, development, test, and evaluation, transactions other than contracts, cooperative agreements, and grants related to section 2371 of this title during research projects including rapid prototyping and limited procurement urgent activities, and acquisition; and

“(E) designate an Army explosive ordnance disposal-qualified general officer from the combat support agency designated under subparagraph (D) to serve as the Chairman of the Department of Defense explosive ordnance disposal defense program board; and”.

Subsec. (b)(2). Pub. L. 116–92, §1052(a)(3), inserted “(A)” after “paragraph (1)”.

Pub. L. 116–92, §1052(a)(2)(B), redesignated subpar. (B) of par. (1) as par. (2). Former par. (2) redesignated (3).

Pub. L. 116–92, §1052(a)(1), redesignated par. (2) as (3).

Subsec. (b)(3). Pub. L. 116–92, §1052(a)(4), substituted “; and” for “such as weapon systems, manned and unmanned vehicles and platforms, cyber and communication equipment, and the integration of explosive ordnance disposal sets, kits and outfits and explosive ordnance disposal tools, equipment, sets, kits, and outfits developed by the department.”

Pub. L. 116–92, §1052(a)(1), redesignated par. (2) as (3).

Subsec. (b)(4). Pub. L. 116–92, §1052(a)(5), added par. (4).

Subsec. (d). Pub. L. 116–92, §1052(b), added subsec. (d).

CHAPTER 137—PROCUREMENT GENERALLY

Sec.	
[2301.	Repealed.]
2302.	Definitions.
2302a.	Simplified acquisition threshold.
2302b.	Implementation of simplified acquisition procedures.
[2302c.	Repealed.]
2302d.	Major system: definitional threshold amounts.
2302e.	Contract authority for advanced development of initial or additional prototype units.
2303.	Applicability of chapter.
[2303a.	Repealed.]
2304.	Contracts: competition requirements.
2304a.	Task and delivery order contracts: general authority.
2304b.	Task order contracts: advisory and assistance services.
2304c.	Task and delivery order contracts: orders.
2304d.	Task and delivery order contracts: definitions.
2304e.	Contracts: prohibition on competition between Department of Defense and small businesses.
2305.	Contracts: planning, solicitation, evaluation, and award procedures.
2305a.	Design-build selection procedures.
2306.	Kinds of contracts.
2306a.	Cost or pricing data: truth in negotiations.
2306b.	Multiyear contracts: acquisition of property.
2306c.	Multiyear contracts: acquisition of services.
2307.	Contract financing.
2308.	Buy-to-budget acquisition: end items.
2309.	Allocation of appropriations.
2310.	Determinations and decisions.
2311.	Assignment and delegation of procurement functions and responsibilities.
2312.	Remission of liquidated damages.
2313.	Examination of records of contractor.
2313a.	Defense Contract Audit Agency: annual report.
2313b.	Performance of incurred cost audits.
2314.	Laws inapplicable to agencies named in section 2303 of this title.
2315.	Law inapplicable to the procurement of automatic data processing equipment and services for certain defense purposes.
2316.	Disclosure of identity of contractor.
[2317.	Repealed.]