

(Added Pub. L. 102-484, div. D, title XLII, § 4236(a)(1)(B), Oct. 23, 1992, 106 Stat. 2691; 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.)

#### TRANSFER OF SECTION

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1872(a)(9), Jan. 1, 2021, 134 Stat. 4151, 4289, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 385 of this title, as amended by section 1872(a)(1) of Pub. L. 116-283, inserted after section 4955, and redesignated as section 4956 of this title. See Effective Date of 2021 Amendment note below.*

#### REFERENCES IN TEXT

The Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, referred to in subsec. (b), is division D of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2658. For complete classification of division D to the Code, see Short Title note set out under section 2500 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 2418 was renumbered section 2420 of this title.

#### AMENDMENTS

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).

#### 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 3001 of this title.

### § 2419. 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 part of any procurement technical assistance furnished pursuant to this chapter.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered contract” means a contract—

(A) awarded to a qualified small business concern as defined pursuant to section 3(a) of the Small Business Act; and

(B) with an estimated annual value—

(i) that will exceed the applicable receipt-based small business size standard; or

(ii) if the contract is in an industry with an employee-based size standard, that will exceed \$70,000,000.

(2) The term “covered small business” means a qualified small business concern as defined pursuant to section 3(a) of the Small Business Act that has entered into a contract with the Department of Defense that includes a contract clause described in subsection (a)(2).

(Added Pub. L. 113-66, div. A, title XVI, § 1611(a)(1)(B), Dec. 26, 2013, 127 Stat. 946; amended Pub. L. 116-92, div. A, title IX, § 902(63), Dec. 20, 2019, 133 Stat. 1550.)

#### TRANSFER OF SECTION

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1872(a)(10), Jan. 1, 2021, 134 Stat. 4151, 4289, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 385 of this title, as amended by section 1872(a)(1) of Pub. L. 116-283, inserted after section 4956, and redesignated as section 4957 of this title. See Effective Date of 2021 Amendment note below.*

#### REFERENCES IN TEXT

Section 3(a) of the Small Business Act, referred to in subsecs. (a)(2)(A) and (c)(1)(A), (2), is classified to section 632(a) of Title 15, Commerce and Trade.

#### PRIOR PROVISIONS

A prior section 2419 was renumbered section 2420 of this title.

#### AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

#### 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 3001 of this title.

### § 2420. Regulations

The Secretary of Defense shall prescribe regulations to carry out this chapter.

(Added Pub. L. 98-525, title XII, § 1241(a)(1), Oct. 19, 1984, 98 Stat. 2606, § 2416; renumbered § 2417, Pub. L. 99-500, § 101(c) [title X, § 957(a)(1)(A)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-174, and Pub. L. 99-591, § 101(c) [title X, § 957(a)(1)(A)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-174, and Pub. L. 99-661, div. A, title IX, formerly title IV, § 957(a)(1)(A), Nov. 14, 1986, 100 Stat. 3954, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273; renumbered § 2418, Pub. L. 101-510, div. A, title VIII, § 814(a)(1)(A), Nov. 5, 1990, 104 Stat. 1596; renumbered § 2419, Pub. L. 102-484, div. D, title XLII, § 4236(a)(1)(A), Oct. 23, 1992, 106 Stat. 2691; renumbered § 2420, Pub. L. 113-66, div. A, title XVI, § 1611(a)(1)(A), Dec. 26, 2013, 127