

(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 §4955 and amended Pub. L. 116-283, div. A, title XVIII, §1872(a)(8), Jan. 1, 2021, 134 Stat. 4289.)

CODIFICATION

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 renumbered section 2416 of this title as this section and inserted headings in subsecs. (a) to (d). Directory language transferring this section to “chapter 385” was executed as if it had read “chapter 388” to reflect the probable intent of Congress.

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.

§ 4956. 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; and

(2) under section 9 of the Small Business Act (15 U.S.C. 638), and on compliance with those 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 §4956 and amended Pub. L. 116-283, div. A, title XVIII, §1872(a)(9), Jan. 1, 2021, 134 Stat. 4289.)

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.

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2418 of this title as this section and inserted headings in subsecs. (a) to (c). Directory language transferring this section to “chapter 385” was executed as if it had read “chapter 388” to reflect the probable intent of Congress.

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.

§ 4957. 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, §2419; amended Pub. L. 116-92, div. A, title IX, §902(63), Dec. 20, 2019, 133 Stat. 1550; renumbered §4957, Pub. L. 116-283, div. A, title XVIII, §1872(a)(10), Jan. 1, 2021, 134 Stat. 4289.)

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.