

tion that the equipment or material be used exclusively for such research and development; or

(B) for use in demonstrations to a friendly foreign government;

(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items; and

(4) make available to any person or entity, through leases, contracts, or other appropriate arrangements, facilities, services, and equipment of any government laboratory, research center, or range, if the facilities, services, and equipment provided will not be in direct competition with the domestic private sector.

(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a)(3) are confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

(c) FEES.—Fees made available under subsections (a)(3) and (a)(4) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(d) USE OF FEES.—Fees received under subsections (a)(3) and (a)(4) may be credited to the appropriations or other funds of the activity making such services available.

(Added Pub. L. 103-160, div. A, title VIII, § 822(b)(1), Nov. 30, 1993, 107 Stat. 1705, § 2541; renumbered § 2539b, Pub. L. 103-337, div. A, title X, § 1070(a)(13)(A), Oct. 5, 1994, 108 Stat. 2856; amended Pub. L. 103-355, title III, § 3022, Oct. 13, 1994, 108 Stat. 3333; Pub. L. 104-106, div. A, title VIII, § 804, div. D, title XLIII, § 4321(a)(8), Feb. 10, 1996, 110 Stat. 390, 671; Pub. L. 106-65, div. A, title X, § 1066(a)(23), Oct. 5, 1999, 113 Stat. 771; Pub. L. 110-181, div. A, title II, § 232, Jan. 28, 2008, 122 Stat. 46; renumbered § 4892, Pub. L. 116-283, div. A, title XVIII, § 1870(f)(2), Jan. 1, 2021, 134 Stat. 4287.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2539b of this title as this section.

2008—Subsec. (a)(4). Pub. L. 110-181, § 232(1), added par. (4).

Subsec. (c). Pub. L. 110-181, § 232(2), struck out “for services” before “made available” and substituted “subsections (a)(3) and (a)(4)” for “subsection (a)(3)”.

Subsec. (d). Pub. L. 110-181, § 232(3), struck out “for services made available” after “Fees received” and substituted “subsections (a)(3) and (a)(4)” for “subsection (a)(3)”.

1999—Subsec. (a). Pub. L. 106-65 substituted “Secretaries of the military departments” for “secretaries of the military departments”.

1996—Subsec. (a). Pub. L. 104-106, § 4321(a)(8), made technical correction to Pub. L. 103-355, § 3022. See 1994 Amendment note below.

Subsec. (c). Pub. L. 104-106, § 804, inserted “and indirect” after “recoup the direct”.

1994—Pub. L. 103-337 renumbered section 2541 of this title as section 2539b.

Subsec. (a). Pub. L. 103-355, § 3022, as amended by Pub. L. 104-106, § 4321(a)(8), inserted “rent,” after “sell,” in par. (1) and “, rent,” after “sell” in par. (2).

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. D, title XLIII, § 4321(a), Feb. 10, 1996, 110 Stat. 671, provided that the amendment made by that section is effective as of Oct. 13, 1994, and as if included in Pub. L. 103-355 as enacted.

CHAPTER 387—SMALL BUSINESS PROGRAMS

Subchapter	Sec.
I. General	4901
II. [Reserved]	4991

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XVII, § 1701(i)(10)(A), Dec. 27, 2021, 135 Stat. 2143, amended Pub. L. 116-283, div. A, title XVIII, § 1871(a)(2), Jan. 1, 2021, 134 Stat. 4287, which added this analysis, by adding item for subchapter II.

Statutory Notes and Related Subsidiaries

PILOT PROGRAM FOR STREAMLINED TECHNOLOGY TRANSITION FROM THE SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE

Pub. L. 115-91, div. A, title XVII, § 1710, Dec. 12, 2017, 131 Stat. 1810, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘commercialization’, ‘Federal agency’, ‘Phase I’, ‘Phase II’, ‘Phase III’, ‘SBIR’, and ‘STTR’ have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

“(2) the term ‘covered small business concern’ means—

“(A) a small business concern that completed a Phase II award under the SBIR or STTR program of the Department; or

“(B) a small business concern that—

“(i) completed a Phase I award under the SBIR or STTR program of the Department; and

“(ii) a contracting officer for the Department recommended for inclusion in a multiple award contract described in subsection (b);

“(1) [sic] the term ‘Department’ means the Department of Defense;

“(2) [sic] the term ‘military department’ has the meaning given the term in section 101 of title 10, United States Code;

“(3) the term ‘multiple award contract’ has the meaning given the term in section 3302(a) of title 41, United States Code;

“(4) the term ‘pilot program’ means the pilot program established under subsection (b); and

“(5) the term ‘small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

“(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall establish a pilot program under which the Department shall award multiple award contracts to covered small business concerns for the purchase of technologies, supplies, or services that

the covered small business concern has developed through the SBIR or STTR program.

“(c) WAIVER OF COMPETITION IN CONTRACTING ACT REQUIREMENTS.—The Secretary of Defense may establish procedures to waive provisions of section 2304 of title 10, United States Code [see 10 U.S.C. 3201 et seq.], for purposes of carrying out the pilot program.

“(d) USE OF CONTRACT VEHICLE.—A multiple award contract described in subsection (b) may be used by any military department or component of the Department.

“(e) TERMINATION.—The pilot program established under this section shall terminate on September 30, 2023.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the commercialization of products and services produced by a small business concern under an SBIR or STTR program of a Federal agency through—

“(1) direct awards for Phase III of an SBIR or STTR program; or

“(2) any other contract vehicle.”

MENTOR-PROTEGE PILOT PROGRAM

Pub. L. 114-92, div. A, title VIII, §861(b), Nov. 25, 2015, 129 Stat. 925, provided that:

“(1) IN GENERAL.—The amendments made by subsection (a) [amending section 831 of Pub. L. 101-510, set out below] shall apply to a mentor-protégé agreement made pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607; 10 U.S.C. 2302 note) entered into after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 [Nov. 25, 2015].

“(2) RETROACTIVITY OF REPORT AND REVIEW REQUIREMENTS.—The amendments made by subsection (a)(10) [amending section 831 of Pub. L. 101-510, set out below, by adding subsecs. (l) and (m)] shall apply to a mentor-protégé agreement made pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607; 10 U.S.C. 2302 note [now 10 U.S.C. 4901 note prec.]) entered into before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 [Nov. 25, 2015].”

Pub. L. 101-510, div. A, title VIII, §831, Nov. 5, 1990, 104 Stat. 1607, as amended by Pub. L. 102-25, title VII, §704(c), Apr. 6, 1991, 105 Stat. 119; Pub. L. 102-172, title VIII, §8064A, Nov. 26, 1991, 105 Stat. 1186; Pub. L. 102-190, div. A, title VIII, §814(b), Dec. 5, 1991, 105 Stat. 1425; Pub. L. 102-484, div. A, title VIII, §§801(h)(4), 807(b)(1), title X, §1054(d), Oct. 23, 1992, 106 Stat. 2445, 2448, 2503; Pub. L. 103-160, div. A, title VIII, §813(b)(1), (c), Nov. 30, 1993, 107 Stat. 1703; Pub. L. 104-106, div. A, title VIII, §824, Feb. 10, 1996, 110 Stat. 399; Pub. L. 104-201, div. A, title VIII, §802, Sept. 23, 1996, 110 Stat. 2604; Pub. L. 105-85, div. A, title VIII, §821(a), title X, §1073(c)(6), Nov. 18, 1997, 111 Stat. 1840, 1904; Pub. L. 106-65, div. A, title VIII, §811(a)-(d)(1), (e), Oct. 5, 1999, 113 Stat. 706, 707, 709; Pub. L. 106-398, §1 [[div. A], title VIII, §807], Oct. 30, 2000, 114 Stat. 1654, 1654A-208; Pub. L. 107-107, div. A, title VIII, §812, Dec. 28, 2001, 115 Stat. 1181; Pub. L. 108-375, div. A, title VIII, §§841(a), (b), 842, Oct. 28, 2004, 118 Stat. 2018, 2019; Pub. L. 112-10, div. A, title VIII, §8016, Apr. 15, 2011, 125 Stat. 60; Pub. L. 112-81, div. A, title VIII, §867, title X, §1062(n), Dec. 31, 2011, 125 Stat. 1526, 1586; Pub. L. 112-239, div. A, title X, §1076(a)(17), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 113-291, div. A, title X, §1071(b)(16), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114-92, div. A, title VIII, §861(a), Nov. 25, 2015, 129 Stat. 921; Pub. L. 114-328, div. A, title XVIII, §§1813(b), 1823, Dec. 23, 2016, 130 Stat. 2652, 2656; Pub. L. 115-91, div. A, title XVII, §1701(a)(4)(A), Dec. 12, 2017, 131 Stat. 1796, as amended by Pub. L. 116-283, div. A, title X, §1081(e)(1), Jan. 1, 2021, 134 Stat. 3874; Pub. L. 115-232, div. A, title VIII, §812(a)(2)(C)(ii), Aug. 13, 2018, 132 Stat. 1846; Pub. L. 116-92, div. A, title VIII, §872(a)(1), (2), (b), (c), Dec. 20, 2019, 133 Stat. 1526; Pub. L. 116-283, div. A, title XVIII, §1806(e)(3)(F), Jan. 1, 2021, 134 Stat. 4156, provided that:

“(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program to be known as the ‘Mentor-Protégé Program’.

“(b) PURPOSE.—The purpose of the program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance designed to—

“(1) enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts; and

“(2) increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

“(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns upon making application to the Secretary of Defense and being approved for participation in the pilot program by the Secretary. A business concern participating in the pilot program pursuant to such an approval shall be known, for the purposes of the program, as a ‘mentor firm’.

“(2) A disadvantaged small business concern eligible for the award of Federal contracts may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern may not be a party to more than one agreement concurrently, and the authority to enter into agreements under subsection (e) shall only be available to such concern during the 5-year period beginning on the date such concern enters into the first such agreement. A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a ‘protégé firm’.

“(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If at any time the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

“(d) MENTOR FIRM ELIGIBILITY.—

“(1) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protégé firms under subsection (e) and provide assistance under the program pursuant to that agreement if the mentor firm—

“(A) is eligible for award of Federal contracts; and

“(B) demonstrates that it—

“(i) is qualified to provide assistance that will contribute to the purpose of the program;

“(ii) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

“(iii) can impart value to a protégé firm because of experience gained as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—

“(I) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than \$100,000,000; or

“(II) the mentor firm demonstrates the capability to assist in the development of protégé firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k).

“(2) A mentor firm may not enter into an agreement with a protege firm if the Administrator of the Small Business Administration has made a determination finding affiliation between the mentor firm and the protege firm.

“(3) If the Administrator of the Small Business Administration has not made such a determination and if the Secretary has reason to believe (based on the regulations promulgated by the Administrator regarding affiliation) that the mentor firm is affiliated with the protege firm, the Secretary shall request a determination regarding affiliation from the Administrator of the Small Business Administration.

“(e) MENTOR-PROTEGE AGREEMENT.—Before providing assistance to a protege firm under the program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following:

“(1) A developmental program for the protege firm, in such detail as may be reasonable, including—

“(A) factors to assess the protege firm’s developmental progress under the program;

“(B) a description of the quantitative and qualitative benefits to the Department of Defense from the agreement, if applicable;

“(C) goals for additional awards that [the] protege firm can compete for outside the Mentor-Protege Program; and

“(D) the assistance the mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense (including the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement) after award of a subcontract under this section, if applicable.

“(2) A program participation term for any period of not more than two years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of two years.

“(3) Procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

“(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the following:

“(1) Assistance, by using mentor firm personnel, in—

“(A) general business management, including organizational management, financial management, and personnel management, marketing, and overall business planning;

“(B) engineering and technical matters such as production, inventory control, and quality assurance; and

“(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e).

“(2) Award of subcontracts on a noncompetitive basis to the protege firm under the Department of Defense or other contracts.

“(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

“(4) Advance payments under such subcontracts.

“(5) Loans.

“(6) Assistance obtained by the mentor firm for the protege firm from one or more of the following—

“(A) small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

“(B) entities providing procurement technical assistance pursuant to [former] chapter 142 of title 10, United States Code [see chapter 388 of this title];

“(C) a historically Black college or university or a minority institution of higher education; or

“(D) women’s business centers described in section 29 of the Small Business Act (15 U.S.C. 656).

“(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

“(2)(A) The Secretary of Defense may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (6) of subsection (f) (except as provided in subparagraph (D)) as provided for in a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement specified in such contract, except that this sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

“(B) The determinations made in annual performance reviews of a mentor firm’s mentor-protege agreement shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

“(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed \$1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount.

“(D) The Secretary may not reimburse any fee assessed by the mentor firm for services provided to the protege firm pursuant to subsection (f)(6) or for business development expenses incurred by the mentor firm under a contract awarded to the mentor firm while participating in a joint venture with the protege firm.

“(3)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract, under a contract with another executive agency, or under a divisional or company-wide subcontracting plan negotiated with the Department of Defense or another executive agency.

“(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

“(i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(6);

“(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm’s employees; and

“(iii) two times the total amount of any other such costs.

“(C) Under regulations prescribed pursuant to subsection (k), the Secretary of Defense shall adjust the amount of credit given a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm’s performance regarding the award of subcontracts to disadvantaged small business concerns has declined without justifiable cause.

“(4) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

“(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business con-

cern furnishing such product or service is a small business concern; and

“(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

“(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act (15 U.S.C. 631 et seq.), no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

“(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine a disadvantaged small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

“(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.

“(i) PARTICIPATION IN MENTOR-PROTEGE PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

“(j) EXPIRATION OF AUTHORITY.—(1) No mentor-protege agreement may be entered into under subsection (e) after September 30, 2024.

“(2) No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under subsection (g) for any cost incurred after September 30, 2026.

“(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the pilot Mentor-Protege Program. Such regulations shall include the requirements set forth in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and shall prescribe procedures by which mentor firms may terminate participation in the program. The Secretary shall publish the proposed regulations not later than the date 180 days after the date of the enactment of this Act [Nov. 5, 1990]. The Secretary shall promulgate the final regulations not later than the date 270 days after the date of the enactment of this Act. The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.

“(l) REPORT BY MENTOR FIRMS.—To comply with section 8(d)(7) of the Small Business Act (15 U.S.C. 637(d)(7)), each mentor firm shall submit a report to the Secretary not less than once each fiscal year that includes, for the preceding fiscal year—

“(1) all technical or management assistance provided by mentor firm personnel for the purposes described in subsection (f)(1);

“(2) any new awards of subcontracts on a competitive or noncompetitive basis to the protege firm under Department of Defense contracts or other contracts, including the value of such subcontracts;

“(3) any extensions, increases in the scope of work, or additional payments not previously reported for prior awards of subcontracts on a competitive or noncompetitive basis to the protege firm under Department of Defense contracts or other contracts, including the value of such subcontracts;

“(4) the amount of any payment of progress payments or advance payments made to the protege firm

for performance under any subcontract made under the Mentor-Protege Program;

“(5) any loans made by [the] mentor firm to the protege firm;

“(6) all Federal contracts awarded to the mentor firm and the protege firm as a joint venture, designating whether the award was a restricted competition or a full and open competition;

“(7) any assistance obtained by the mentor firm for the protege firm from one or more—

“(A) small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

“(B) entities providing procurement technical assistance pursuant to [former] chapter 142 of title 10, United States Code [see chapter 388 of this title]; or

“(C) historically Black colleges or universities or minority institutions of higher education;

“(8) whether there have been any changes to the terms of the mentor-protege agreement; and

“(9) a narrative describing the success assistance provided under subsection (f) has had in addressing the developmental needs of the protege firm, the impact on Department of Defense contracts, and addressing any problems encountered.

“(m) REVIEW OF REPORT BY THE OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense shall review the report required by subsection (l) and, if the Office finds that the mentor-protege agreement is not furthering the purpose of the Mentor-Protege Program, decide not to approve any continuation of the agreement.

“(n) ESTABLISHMENT OF PERFORMANCE GOALS AND PERIODIC REVIEWS.—The Office of Small Business Programs of the Department of Defense shall—

“(1) establish performance goals consistent with the stated purpose of the Mentor-Protege Program and outcome-based metrics to measure progress in meeting those goals; and

“(2) submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], not later than February 1, 2020, a report on progress made toward implementing these performance goals and metrics, based on periodic reviews of the procedures used to approve mentor-protege agreements.

“(o) DEFINITIONS.—In this section:

“(1) The term ‘small business concern’ has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

“(2) The term ‘disadvantaged small business concern’ means a firm that is not more than the size standard corresponding to its primary North American Industry Classification System code, is not owned or managed by individuals or entities that directly or indirectly have stock options or convertible securities in the mentor firm, and is—

“(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

“(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

“(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15));

“(D) a qualified organization employing severely disabled individuals;

“(E) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D));

“(F) a small business concern owned and controlled by service-disabled veterans (as defined in section 8(d)(3) of the Small Business Act [15 U.S.C. 637(d)(3)]); and [sic]

“(G) a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act [15 U.S.C. 657a(b)]); or

“(H) a small business concern that—

“(i) is a nontraditional defense contractor, as such term is defined in section 3014 of title 10, United States Code; or

“(ii) currently provides goods or services in the private sector that are critical to enhancing the capabilities of the defense supplier base and fulfilling key Department of Defense needs.

“(3) The term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

“(4) The term ‘historically Black college and university’ means any of the historically Black colleges and universities referred to in section 2323 of title 10, United States Code, as in effect on March 1, 2018.

“(5) The term ‘minority institution of higher education’ means an institution of higher education with a student body that reflects the composition specified in section 312(b)(3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), and (5)).

“(6) The term ‘subcontracting participation goal’, with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as established pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

“(7) The term ‘qualified organization employing the severely disabled’ means a business entity operated on a for-profit or nonprofit basis that—

“(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

“(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

“(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

“(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

“(8) The term ‘severely disabled individual’ means an individual who is blind (as defined in section 8501 of title 41, United States Code) or a severely disabled individual (as defined in such section).

“(9) The term ‘affiliation’, with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).”

[Pub. L. 116-283, div. A, title X, §1081(e)(1), Jan. 1, 2021, 134 Stat. 3874, which directed technical amendment of section 1701(a)(4)(A) of Pub. L. 115-91, which amended section 831 of Pub. L. 101-510, set out above, by striking “Section 831(n)(2)(g)” and inserting “Section 831(o)(2)(G)”, was executed by making the substitution for “Section 831(n)(2)(G)” to reflect the probable intent of Congress.]

[Pub. L. 116-283, div. A, title X, §1081(e), Jan. 1, 2021, 134 Stat. 3874, provided that the amendment made by section 1081(e)(1) of Pub. L. 116-283 to section 1701(a)(4)(A) of Pub. L. 115-91, which amended section 831 of Pub. L. 101-510, set out above, is effective as of Dec. 12, 2017, and as if included in Pub. L. 115-91.]

[Pub. L. 116-92, div. A, title VIII, §872(a)(3), Dec. 20, 2019, 133 Stat. 1526, provided that: “The amendments made by this subsection [amending section 831 of Pub. L. 101-510, set out above] shall take effect on the date on which the Secretary of Defense submits to Congress the small business strategy required under section 2283 of title 10, United States Code [now 10 U.S.C. 4901]. The Secretary of Defense shall notify the Law Revision Counsel of the House of Representatives of the submission of the strategy so that the Law Revision Counsel may execute the amendments made by this sub-

section.” Per notification received by Law Revision Counsel, submission of small business strategy occurred Nov. 2, 2019.]

[Pub. L. 114-92, §861(a)(11)(B)(iii), which directed amendment of section 831(n)(2)(G) of Pub. L. 101-510, set out above, by substituting “Small Business Act (15 U.S.C. 632(p)); or” for “Small Business Act.”, was executed by substituting “Small Business Act (15 U.S.C. 632(p)); or” for “Small Business Act.” to reflect the probable intent of Congress.]

[Pub. L. 106-65, div. A, title VIII, §811(f), Oct. 5, 1999, 113 Stat. 709, provided that:

[“(1) The amendments made by this section [amending section 831 of Pub. L. 101-510, set out above] shall take effect on October 1, 1999, and shall apply with respect to mentor-protége agreements that are entered into under section 831(e) of the National Defense Authorization Act for Fiscal Year 1991 [Pub. L. 101-510, set out above] on or after that date.

[“(2) Section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on September 30, 1999, shall continue to apply with respect to mentor-protége agreements entered into before October 1, 1999.”]

[Section 807(b)(2) of Pub. L. 102-484 provided that: “The amendment made by this subsection [amending section 831 of Pub. L. 101-510, set out above] shall take effect as of November 5, 1990.”]

SUBCHAPTER I—GENERAL

Sec.

4901. Department of Defense small business strategy.

§ 4901. Department of Defense small business strategy

(a) IN GENERAL.—The Secretary of Defense shall implement a small business strategy for the Department of Defense that meets the requirements of this section.

(b) UNIFIED MANAGEMENT STRUCTURE.—As part of the small business strategy described in subsection (a), the Secretary shall ensure that there is a unified management structure within the Department for the functions of the Department relating to—

(1) programs and activities related to small business concerns (as defined in section 3 of the Small Business Act);

(2) manufacturing and industrial base policy; and

(3) any procurement technical assistance program established under chapter 388 of this title.

(c) PURPOSE OF SMALL BUSINESS PROGRAMS.—The Secretary shall ensure that programs and activities of the Department of Defense related to small business concerns are carried out so as to further national defense programs and priorities and the statements of purpose for Department of Defense acquisition set forth in section 801 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1449).

(d) POINTS OF ENTRY INTO DEFENSE MARKET.—The Secretary shall ensure—

(1) that opportunities for small business concerns to contract with the Department of Defense are identified clearly; and

(2) that small business concerns are able to have access to program managers, contracting officers, and other persons using the products or services of such concern to the extent nec-