

fined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter into a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case analysis prepared by the Department of Defense, that—

- (1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and
- (2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section shall be construed to preclude the Department of Defense from using other multiyear contracting authority of the Department to purchase renewable energy.

(Added Pub. L. 110-181, div. A, title VIII, § 828(a), Jan. 28, 2008, 122 Stat. 229.)

CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

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AMENDMENTS

2013—Pub. L. 113-66, div. A, title XVI, § 1611(a)(2), Dec. 26, 2013, 127 Stat. 947, added item 2419 and redesignated former item 2419 as 2420.

1993—Pub. L. 103-35, title II, § 201(d)(2), May 31, 1993, 107 Stat. 99, made technical amendment to items 2418 and 2419.

1992—Pub. L. 102-484, div. D, title XLII, § 4236(a)(2), Oct. 23, 1992, 106 Stat. 2691, added item 2418 and redesignated former item 2418 as 2419.

1990—Pub. L. 101-510, div. A, title VIII, § 814(a)(2), Nov. 5, 1990, 104 Stat. 1597, added item 2417 and redesignated former item 2417 as 2418.

1986—Pub. L. 99-500, § 101(c) [title X, § 957(a)(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-175, and Pub. L. 99-591, § 101(c) [title X, § 957(a)(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-175; Pub. L. 99-661, div. A, title IX, formerly title IV, § 957(a)(2), Nov. 14, 1986, 100 Stat. 3955, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273, amended analysis identically adding item 2416 and redesignating former item 2416 as 2417.

§ 2411. Definitions

In this chapter:

- (1) The term “eligible entity” means any of the following:
 - (A) A State.
 - (B) A local government.
 - (C) A private, nonprofit organization.
 - (D) A tribal organization, as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (Public Law

93-638; 25 U.S.C. 450b(l)), or an economic enterprise, as defined in section 3(e) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(e)), whether or not such economic enterprise is organized for profit purposes or nonprofit purposes.

(2) The term “distressed area” means—

(A) the area of a unit of local government (or such area excluding the area of any defined political jurisdiction within the area of such unit of local government) that—

- (i) has a per capita income of 80 percent or less of the State average; or
- (ii) has an unemployment rate that is one percent greater than the national average for the most recent 24-month period for which statistics are available; or

(B) a reservation, as defined in section 3(d) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(d)).

(3) The term “Secretary” means the Secretary of Defense acting through the Director of the Defense Logistics Agency.

(4) The terms “State” and “local government” have the meaning given those terms in section 6302 of title 31.

(Added Pub. L. 98-525, title XII, § 1241(a)(1), Oct. 19, 1984, 98 Stat. 2605; amended Pub. L. 99-145, title IX, § 919(a), Nov. 8, 1985, 99 Stat. 691; Pub. L. 99-500, § 101(c) [title X, § 956(a)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-174, and Pub. L. 99-591, § 101(c) [title X, § 956(a)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-174; Pub. L. 99-661, div. A, title IX, formerly title IV, § 956(a), Nov. 14, 1986, 100 Stat. 3954, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 100-180, div. A, title VIII, § 807(b), Dec. 4, 1987, 101 Stat. 1128; Pub. L. 100-456, div. A, title VIII, § 841(b)(2), Sept. 29, 1988, 102 Stat. 2025; Pub. L. 101-189, div. A, title VIII, § 853(e), Nov. 29, 1989, 103 Stat. 1519; Pub. L. 102-25, title VII, § 701(j)(5), Apr. 6, 1991, 105 Stat. 116; Pub. L. 102-484, div. A, title X, § 1052(31), Oct. 23, 1992, 106 Stat. 2501.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1992—Par. (1)(D). Pub. L. 102-484 substituted “organized for profit purposes or nonprofit purposes” for “organized for-profit, or nonprofit purposes”.

1991—Par. (1)(D). Pub. L. 102-25, which directed the substitution of “for profit purposes or nonprofit” for “for-profit and nonprofit”, could not be executed because the words “for-profit and nonprofit” did not appear.

1989—Par. (1)(D). Pub. L. 101-189 substituted “section 4(l)” for “section 4(c)” and “25 U.S.C. 450b(l)” for “25 U.S.C. 450(c)”.

1988—Par. (1)(D). Pub. L. 100-456 inserted “, whether or not such economic enterprise is organized for-profit, or nonprofit purposes” before period at end.

1987—Par. (1)(D). Pub. L. 100-180, § 807(b)(1), added subpar. (D).

Par. (2). Pub. L. 100-180, § 807(b)(2), substituted “means—” for “means”, designated existing text beginning with “the area of a unit” as subpar. (A), redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, substituted “are available; or” for “are available.”, and added subpar. (B).

1986—Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 amended section generally identically, striking out in

par. (1) reference to section 6302(5) and 6302(2) of title 31, in par. (2) substituting “The term ‘distressed area’ means the area of a unit of local government (or such area excluding the area of any defined political jurisdiction within the area of such unit of local government)” for “‘Distressed entity’ means an eligible entity (within the meaning of paragraph (1)(B))”, and adding par. (4).

1985—Pub. L. 99-145 amended section generally. Prior to amendment, section read as follows: “In this chapter:

“(1) ‘Eligible entity’ means a State (as defined in section 6302(5) of title 31), a local government (as defined in section 6302(2) of that title), or a private, nonprofit organization that enters into a cooperative agreement with the Secretary under this chapter to furnish procurement technical assistance to business entities and to defray at least one-half of the costs of furnishing such assistance.

“(2) ‘Secretary’ means the Secretary of Defense acting through the Director of the Defense Logistics Agency.”

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title IX, §919(d), Nov. 8, 1985, 99 Stat. 693, provided that: “The amendments made by subsections (a) and (b) [amending this section and sections 2412 to 2415 of this title] shall take effect on October 1, 1985.”

§ 2412. Purposes

The purposes of the program authorized by this chapter are—

(1) to increase assistance by the Department of Defense to eligible entities furnishing procurement technical assistance to business entities; and

(2) to assist eligible entities in the payment of the costs of establishing and carrying out new procurement technical assistance programs and maintaining existing procurement technical assistance programs.

(Added Pub. L. 98-525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2605; amended Pub. L. 99-145, title IX, §919(a), Nov. 8, 1985, 99 Stat. 692.)

AMENDMENTS

1985—Pub. L. 99-145 amended section generally, substituting “assistance by the Department of Defense to eligible entities” for “Department of Defense assistance for eligible entities” in par. (1).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Oct. 1, 1985, see section 919(d) of Pub. L. 99-145, set out as a note under section 2411 of this title.

§ 2413. Cooperative agreements

(a) The Secretary, in accordance with the provisions of this chapter, may enter into cooperative agreements with eligible entities to carry out the purposes of this chapter.

(b) Under any such cooperative agreement, the eligible entity shall agree to sponsor programs to furnish procurement technical assistance to business entities and the Secretary shall agree to defray not more than 65 percent of the eligible entity’s cost of furnishing such assistance under such programs, except that—

(1) in the case of a program sponsored by such an entity that provides services solely in a distressed area, the Secretary may agree to furnish more than 65 percent, but not more than 75 percent, of such cost with respect to such program; and

(2) in the case of a program sponsored by such an entity that provides assistance for covered small businesses pursuant to section 2419(b) of this title, the Secretary may agree to furnish the full cost of such assistance.

(c) In entering into cooperative agreements under subsection (a), the Secretary shall assure that at least one procurement technical assistance program is carried out in each Department of Defense contract administration services district during each fiscal year.

(d) In conducting a competition for the award of a cooperative agreement under subsection (a), the Secretary shall give significant weight to successful past performance of eligible entities under a cooperative agreement under this section.

(e) In determining the level of funding to provide under an agreement under subsection (b), the Secretary shall consider the forecast by the eligible entity of demand for procurement technical assistance, and, in the case of an established program under this chapter, the outlays and receipts of such program during prior years of operation.

(Added Pub. L. 98-525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2605; amended Pub. L. 99-145, title IX, §919(a), Nov. 8, 1985, 99 Stat. 692; Pub. L. 99-500, §101(c) [title X, §956(b)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-174, and Pub. L. 99-591, §101(c) [title X, §956(b)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-174; Pub. L. 99-661, div. A, title IX, formerly title IV, §956(b), Nov. 14, 1986, 100 Stat. 3954, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273, and amended Pub. L. 100-180, div. A, title XII, §1233(b), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 105-261, div. A, title VIII, §802(a)(1), Oct. 17, 1998, 112 Stat. 2081; Pub. L. 107-314, div. A, title VIII, §814, Dec. 2, 2002, 116 Stat. 2610; Pub. L. 113-66, div. A, title XVI, §§1611(c), 1612(a), Dec. 26, 2013, 127 Stat. 947, 948.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2013—Subsec. (b). Pub. L. 113-66, §1612(a)(1), substituted “65 percent” for “one-half” in introductory provisions.

Pub. L. 113-66, §1611(c)(1)(A), (B), substituted “except that—

“(1) in the case”

for “except that in the case” and “; and” for period at end.

Subsec. (b)(1). Pub. L. 113-66, §1612(a), substituted “65 percent” for “one-half” and “75 percent” for “three-fourths”.

Subsec. (b)(2). Pub. L. 113-66, §1611(c)(1)(C), added par. (2).

Subsec. (d). Pub. L. 113-66, §1611(c)(3), struck out “and in determining the level of funding to provide under an agreement under subsection (b),” after “subsection (a),”.

Subsec. (e). Pub. L. 113-66, §1611(c)(2), added subsec. (e).

2002—Subsec. (d). Pub. L. 107-314 added subsec. (d).

1998—Subsec. (c). Pub. L. 105-261 substituted “district” for “region”.

1987—Subsec. (b). Pub. L. 100-180 made technical amendment to directory language of Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661. See 1986 Amendment note below.

1986—Subsec. (b). Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661, as amended by Pub. L. 100-180, amended