

defined 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