

tor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

“(B) a prime contractor under a contract for the procurement of services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

“(2) MAJOR SYSTEM.—The term ‘major system’ has the meaning given such term in section 2302d of title 10, United States Code.

“(3) LOW-RATE INITIAL PRODUCTION.—The term ‘low-rate initial production’ has the meaning given such term in section 2400 of title 10, United States Code.

“(e) STATUS OF FUTURE COMBAT SYSTEMS PROGRAM LEAD SYSTEM INTEGRATOR.—

“(1) LEAD SYSTEMS INTEGRATOR.—In the case of the Future Combat Systems program, the prime contractor of the program shall be considered to be a lead systems integrator until 45 days after the Secretary of the Army certifies in writing to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that such contractor is no longer serving as the lead systems integrator.

“(2) NEW CONTRACTS.—In applying subsection (a)(1) or (a)(2), any modification to the existing contract for the Future Combat Systems program, for the purpose of entering into full-rate production of major systems or subsystems, shall be considered a new contract.”

#### § 2410q. Multiyear contracts: purchase of electricity from renewable energy sources

(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into a contract for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is 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.)

#### § 2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life

(a) IN GENERAL.—Each contract entered into by the Secretary of Defense for the provision of a contract working dog shall require that the dog be transferred to the 341st Training Squadron after the service life of the dog has termi-

nated as described in subsection (b) for reclassification as a military animal and placement for adoption in accordance with section 2583 of this title.

(b) SERVICE LIFE.—The service life of a contract working dog has terminated and the dog is available for transfer to the 341st Training Squadron pursuant to a contract under subsection (a) only if the contracting officer concerned has determined that—

(1) the final contractual obligation of the dog preceding such transfer is with the Department of Defense; and

(2) the dog cannot be used by another department or agency of the Federal Government due to age, injury, or performance.

(c) CONTRACT WORKING DOG.—In this section, the term “contract working dog” means a dog—

(1) that performs a service for the Department of Defense pursuant to a contract; and

(2) that is trained and kenneled by an entity that provides such a dog pursuant to such a contract.

(Added Pub. L. 114–328, div. A, title III, § 342(a)(1), Dec. 23, 2016, 130 Stat. 2082.)

#### § 2410s. Security clearances for facilities of certain companies

(a) AUTHORITY.—If the senior management official of a covered company does not have a security clearance, the Secretary of Defense may grant a security clearance to a facility of such company only if the following criteria are met:

(1) The company has appointed a senior officer, director, or employee of the company who has a security clearance at the level of the security clearance of the facility to act as the senior management official of the company with respect to such facility.

(2) Any senior management official, senior officer, or director of the company who does not have such a security clearance will not have access to any classified information, including with respect to such facility.

(3) The company has certified to the Secretary that the senior officer, director, or employee appointed under paragraph (1) has the authority to act on behalf of the company with respect to such facility independent of any senior management official, senior officer, or director described in paragraph (2).

(4) The facility meets all of the requirements to be granted a security clearance other than any requirement relating to the senior management official of the company having an appropriate security clearance.

(b) COVERED COMPANY.—In this section, the term “covered company” means a company that has entered into a contract or agreement with the Department of Defense, assists the Department, or requires a facility to process classified information.

(Added Pub. L. 115–91, div. A, title XVI, § 1621(a), Dec. 12, 2017, 131 Stat. 1732; amended Pub. L. 115–232, div. A, title X, § 1081(a)(23), Aug. 13, 2018, 132 Stat. 1984.)

#### AMENDMENTS

2018—Pub. L. 115–232 struck out period at end of section catchline.

**CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM**

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AMENDMENTS

2018—Pub. L. 115-232, div. A, title X, § 1081(a)(24)(B), Aug. 13, 2018, 132 Stat. 2695, substituted “Funding” for “Limitation” in item 2414.

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.

NOTICE OF COST-FREE FEDERAL PROCUREMENT TECHNICAL ASSISTANCE IN CONNECTION WITH REGISTRATION OF SMALL BUSINESS CONCERNS ON PROCUREMENT WEBSITES OF THE DEPARTMENT OF DEFENSE

Pub. L. 115-91, div. A, title XVII, § 1707, Dec. 12, 2017, 131 Stat. 1809, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall establish procedures to ensure that any notice or direct communication regarding the registration of a small business concern on a website maintained by the Department of Defense relating to contracting opportunities contains information about cost-free Federal procurement technical assistance services that are available through a procurement technical assistance program established under chapter 142 of title 10, United States Code.

“(b) SMALL BUSINESS CONCERN DEFINED.—The term ‘small business concern’ has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).”

**§ 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 (25 U.S.C. 5304(l)), or an economic enterprise, as defined

<sup>1</sup>Section catchline amended by Pub. L. 115-232 without corresponding amendment of chapter analysis.

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; Pub. L. 115-91, div. A, title X, § 1081(a)(36), Dec. 12, 2017, 131 Stat. 1596.)

CODIFICATION

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

AMENDMENTS

2017—Par. (1)(D). Pub. L. 115-91 substituted “(25 U.S.C. 5304(l))” for “(Public Law 93-638; 25 U.S.C. 450b(l))”.

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).