

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 1987 AMENDMENT

Pub. L. 100-180, div. A, title XII, §1233(c)(2), Dec. 4, 1987, 101 Stat. 1161, provided that: "The amendment made by subsection (b) [amending Public Laws 99-500, 99-591, and 99-661 which amended this section] shall apply as if included in the enactment of Public Laws 99-500, 99-591, and 99-661."

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.

§ 2414. Funding

(a) IN GENERAL.—Except as provided in subsection (c), the value of the assistance furnished by the Secretary to any eligible entity to carry out a procurement technical assistance program under a cooperative agreement under this chapter during any fiscal year may not exceed—

(1) in the case of a program operating on a Statewide basis, other than a program referred to in clause (3) or (4), \$1,000,000;

(2) in the case of a program operating on less than a Statewide basis, other than a program referred to in clause (3) or (4), \$750,000;

(3) in the case of a program operated wholly within one service area of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title, \$450,000; or

(4) in the case of a program operated wholly within more than one service area of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title, \$1,000,000.

(b) DETERMINATIONS ON SCOPE OF OPERATIONS.—A determination of whether a procurement technical assistance program is operating on a Statewide basis or on less than a Statewide basis or is operated wholly within one or more service areas of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title shall be made in accordance with regulations prescribed by the Secretary of Defense.

(c) EXCEPTION.—The value of the assistance provided in accordance with section 2419(b) of this title is not subject to the limitations in subsection (a).

(d) USE OF PROGRAM INCOME.—

(1) An eligible entity that earned income in a specified fiscal year from activities carried out pursuant to a procurement technical assistance program funded under this chapter may expend an amount of such income, not to exceed 25 percent of the cost of furnishing procurement technical assistance in such specified fiscal year, during the fiscal year following such specified fiscal year, to carry out a procurement technical assistance program funded under this chapter.

(2) An eligible entity that does not enter into a cooperative agreement with the Secretary for a fiscal year—

(A) shall notify the Secretary of the amount of any income the eligible entity carried over from the previous fiscal year; and

(B) may retain an amount of such income equal to 10 percent of the value of assistance furnished by the Secretary under this section during the previous fiscal year.

(3) In determining the value of assistance furnished by the Secretary under this section for any fiscal year, the Secretary shall account for the amount of any income the eligible entity carried over from the previous fiscal year.

(Added Pub. L. 98-525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2606; amended Pub. L. 99-145, title IX, §919(a), Nov. 8, 1985, 99 Stat. 692; Pub. L. 100-456, div. A, title VIII, §841(a), Sept. 29, 1988, 102 Stat. 2025; Pub. L. 101-189, div. A, title VIII, §819(c), Nov. 29, 1989, 103 Stat. 1503; Pub. L. 102-25, title VII, §701(f)(7), Apr. 6, 1991, 105 Stat. 115; Pub. L. 107-107, div. A, title VIII, §813, Dec. 28, 2001, 115 Stat. 1181; Pub. L. 107-314, div. A, title VIII, §815, Dec. 2, 2002, 116 Stat. 2610; Pub. L. 109-163, div. A, title VIII, §824, Jan. 6, 2006, 119 Stat. 3387; Pub. L. 113-66, div. A, title XVI, §§1611(b), §1612(b), Dec. 26, 2013, 127 Stat. 947, 948; Pub. L. 115-91, div. A, title VIII, §817, Dec. 12, 2017, 131 Stat. 1462; Pub. L. 115-232, div. A, title VIII, §858(b), title X, §1081(a)(24)(A), Aug. 13, 2018, 132 Stat. 1892, 1984.)

TRANSFER OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1872(a)(6), Jan. 1, 2021, 134 Stat. 4151, 4288, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 385 of this title, as amended by section 1872(a)(1) of Pub. L. 116-283, inserted after section 4952, and redesignated as section 4953 of this title. See Effective Date of 2021 Amendment note below.

AMENDMENTS

2018—Pub. L. 115-232, §1081(a)(24)(A), substituted "Funding" for "FUNDING" in section catchline.

Subsec. (a)(1). Pub. L. 115-232, §858(b)(1), substituted "\$1,000,000" for "\$750,000".

Subsec. (a)(2). Pub. L. 115-232, §858(b)(2), substituted "\$750,000" for "\$450,000".

Subsec. (a)(3). Pub. L. 115-232, §858(b)(3), substituted "\$450,000" for "\$300,000".

Subsec. (a)(4). Pub. L. 115-232, §858(b)(4), substituted "\$1,000,000" for "\$750,000".

2017—Pub. L. 115-91, §817(1), which directed substitution of "FUNDING" for "LIMITATION" in section catchline, was executed by making the substitution for "Limitation" in section catchline, to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 115-91, §817(2), added subsec. (d).

2013—Subsec. (a). Pub. L. 113-66, §1611(b)(1), substituted "Except as provided in subsection (c), the value" for "The value" in introductory provisions.

Subsec. (a)(1). Pub. L. 113-66, §1612(b)(1), substituted "\$750,000" for "\$600,000".

Subsec. (a)(2). Pub. L. 113-66, §1612(b)(2), substituted "\$450,000" for "\$300,000".

Subsec. (a)(3). Pub. L. 113-66, §1612(b)(3), substituted "\$300,000" for "\$150,000".

Subsec. (a)(4). Pub. L. 113-66, §1612(b)(1), substituted "\$750,000" for "\$600,000".

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

2006—Subsec. (a)(2). Pub. L. 109-163 substituted “\$300,000” for “\$150,000”.

2002—Subsec. (a)(4). Pub. L. 107-314 substituted “\$600,000” for “\$300,000”.

2001—Subsec. (a)(1). Pub. L. 107-107 substituted “\$600,000” for “\$300,000”.

1991—Subsec. (b). Pub. L. 102-25 substituted “section 2411(1)(D)” for “section 2411(a)(1)(D)”.

1989—Subsec. (a). Pub. L. 101-189, §819(c)(1), added pars. (1) to (4) and struck out former pars. (1) and (2) which read as follows:

“(1) in the case of a program operating on a Statewide basis, \$300,000; or

“(2) in the case of a program operating on less than a Statewide basis, \$150,000.”

Subsec. (b). Pub. L. 101-189, §819(c)(2), inserted “or is operated wholly within one or more service areas of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(a)(1)(D) of this title” after “or on less than a Statewide basis”.

1988—Pub. L. 100-456 amended section generally. Prior to amendment, section read as follows: “The value of the assistance furnished by the Secretary to any eligible entity to carry out a procurement technical assistance program under a cooperative agreement under this chapter during any fiscal year may not exceed \$150,000.”

1985—Pub. L. 99-145 amended section generally, substituting “Secretary” for “Department of Defense” and “program under” for “program pursuant to”.

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 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.

§ 2415. Distribution

The Secretary shall allocate funds available for assistance under this chapter equally to each Department of Defense contract administrative services district. If in any such fiscal year there is an insufficient number of satisfactory proposals in a district for cooperative agreements to allow effective use of the funds allocated to that district, the funds remaining with respect to that district shall be reallocated among the remaining districts.

(Added Pub. L. 98-525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2606; amended Pub. L. 99-145, title IX, §919(b), Nov. 8, 1985, 99 Stat. 692; Pub. L. 100-180, div. A, title VIII, §807(c), Dec. 4, 1987, 101 Stat. 1128; Pub. L. 105-261, div. A, title VIII, §802(a)(2), (b), Oct. 17, 1998, 112 Stat. 2081; Pub. L. 106-398, §1 [[div. A], title X, §1087(d)(5)], Oct. 30, 2000, 114 Stat. 1654, 1654A-293.)

TRANSFER OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1872(a)(7), Jan. 1, 2021, 134 Stat. 4151, 4288, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 385 of this title, as amended by section 1872(a)(1) of Pub. L. 116-283, inserted after section 4953, and redesignated as section 4954 of this title. See Effective Date of 2021 Amendment note below.

AMENDMENTS

2000—Pub. L. 106-398 made technical amendment to directory language of Pub. L. 105-261, §802(b). See 1998 Amendment note below.

1998—Pub. L. 105-261, §802(a)(2), substituted “district” for “region” wherever appearing and “districts” for “regions”.

Pub. L. 105-261, §802(b), as amended by Pub. L. 106-398, substituted “Department of Defense contract administrative services” for “Defense Contract Administration Services”.

1987—Pub. L. 100-180, §807(c), struck out subsecs. (a) and (b) relating to requirement by Secretary of Defense to reserve 75% of first \$3,000,000 appropriated to carry out this chapter for purpose of assisting cooperative agreements entered into under section 2413 of this title for fiscal years 1986 and 1987, and for fiscal years after 1987 the authority of Secretary to allocate funds in accordance with such cooperative agreements, and substituted “The” for “(c) For any amount appropriated to carry out this chapter for fiscal year 1986 or 1987 in excess of \$3,000,000, the”.

1985—Subsec. (a)(2). Pub. L. 99-145, §919(b)(1)(A), substituted “fiscal years 1986 and 1987” for “fiscal year 1985 is 50 percent and during fiscal year 1986”.

Subsec. (a)(3). Pub. L. 99-145, §919(b)(1)(B), added par. (3).

Subsec. (b). Pub. L. 99-145, §919(b)(2), substituted “1987” for “1986”.

Subsec. (c). Pub. L. 99-145, §919(b)(3), added subsec. (c).

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 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title X, §1087(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by section 1 [[div. A], title X, §1087(d)(5)] is effective Oct. 17, 1998, and as if included in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105-261, as enacted.

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.

§ 2416. Subcontractor information

(a) The Secretary of Defense shall require that any defense contractor in any year shall provide to an eligible entity with which the Secretary has entered into a cooperative agreement under this chapter, on the request of such entity, the information specified in subsection (b).

(b) Information to be provided under subsection (a) is a listing of the name of each appropriate employee of the contractor who has responsibilities with respect to entering into contracts on behalf of such contractor that constitute subcontracts of contracts being performed by such contractor, together with the business address and telephone number and area of responsibility of each such employee.

(c) A defense contractor need not provide information under this section to a particular eligible entity more frequently than once a year.

(d) In this section, the term “defense contractor”, for any year, means a person awarded a contract with the Department of Defense in that year for an amount in excess of \$1,000,000.