

“(iii) other small businesses in the national technology and industrial base;
 “(B) establish policies and procedures to assess the financial status of critical small businesses; and
 “(C) enter into an agreement with the acquisition research organization within a civilian college or university that is described under section 2361a(a) of title 10, United States Code (commonly referred to as the ‘Acquisition Innovation Research Center’), to analyze mechanisms that could be established to allow the Secretary of Defense to provide direct financial support to critical small businesses that require additional financial assistance, including critical small businesses that are—

- “(i) contracting with the Defense Logistics Agency;
- “(ii) subcontractors (at any tier); or
- “(iii) in critical technology sectors.

“(c) REPORTS.—

“(1) REPORT ON ACTIVITIES.—Not later than October 1, 2021, the Assistant Secretary of Defense for Industrial Base Policy shall submit to the appropriate committees a report on activities undertaken pursuant to this section.

“(2) IMPLEMENTATION PLAN FOR 2019 SMALL BUSINESS STRATEGY.—Not later than June 1, 2021, the Secretary of Defense shall submit an implementation plan for the small business strategy required under section 2283 of title 10, United States Code, and dated October 1, 2019, including an identification of specific responsible individuals and organizations, milestones and metrics, and resources to support activities identified in the implementation plan.

“(d) SMALL BUSINESS DEFINED.—In this section, the term ‘small business’ has the meaning given by the Secretary of Defense, except that such term shall include prime contractors and subcontractors (at any tier).”

CHAPTER 388—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

Sec.	
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§ 4951. Purposes; definitions; regulations

(a) 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.

(b) 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 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.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this chapter.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(1)(B), (2), (3)(A), (4), Jan. 1, 2021, 134 Stat. 4287, 4288.)

CODIFICATION

The text of section 2412 of this title, which was transferred to this section, designated as subsec. (a), and amended by Pub. L. 116–283, §1872(a)(2), was based on Pub. L. 98–525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2605; Pub. L. 99–145, title IX, §919(a), Nov. 8, 1985, 99 Stat. 692; Pub. L. 116–283, div. A, title XVIII, §1872(a)(2), Jan. 1, 2021, 134 Stat. 4287.

The text of section 2411 of this title, which was transferred to this section, designated as subsec. (b), and amended by Pub. L. 116–283, §1872(a)(3)(A), was based on Pub. L. 98–525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2605; 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; Pub. L. 116–92, div. A, title VIII, §852(a), Dec. 20, 2019, 133 Stat. 1511; Pub. L. 116–283, div. A, title XVIII, §1872(a)(3)(A), Jan. 1, 2021, 134 Stat. 4288.

The text of section 2420 of this title, which was transferred to this section, designated as subsec. (c), and amended by Pub. L. 116–283, §1872(a)(4), was based on Pub. L. 98–525, title XII, §1241(a)(1), Oct. 19, 1984, 98 Stat. 2606, §2416; renumbered §2417, Pub. L. 99–500, §101(c) [title X, §957(a)(1)(A)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–174, and Pub. L. 99–591, §101(c) [title X, §957(a)(1)(A)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–174, and Pub. L. 99–661, div. A, title IX, formerly title IV, §957(a)(1)(A), Nov. 14, 1986, 100 Stat. 3954, renumbered

title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; renumbered §2418, Pub. L. 101-510, div. A, title VIII, §814(a)(1)(A), Nov. 5, 1990, 104 Stat. 1596; renumbered §2419, Pub. L. 102-484, div. D, title XLII, §4236(a)(1)(A), Oct. 23, 1992, 106 Stat. 2691; renumbered §2420, Pub. L. 113-66, div. A, title XVI, §1611(a)(1)(A), Dec. 26, 2013, 127 Stat. 946; Pub. L. 116-283, div. A, title XVIII, §1872(a)(4), Jan. 1, 2021, 134 Stat. 4288.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §1872(a)(2), transferred the text of section 2412 of this title to this section, designated it as subsec. (a), and inserted heading.

Subsec. (b). Pub. L. 116-283, §1872(a)(3)(A), transferred the text of section 2411 of this title to this section, designated it as subsec. (b), and inserted heading.

Subsec. (c). Pub. L. 116-283, §1872(a)(4), transferred the text of section 2420 of this title to this section, designated it as subsec. (c), and inserted heading.

EFFECTIVE DATE

Section and 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 an Effective Date of 2021 Amendment note preceding section 3001 of this title.

§ 4952. Cooperative agreements

(a) **AUTHORITY.**—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) **AGREEMENTS.**—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 75 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 75 percent, but not more than 85 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 4957(b) of this title, the Secretary may agree to furnish the full cost of such assistance.

(c) **DISTRIBUTION OF PROGRAMS.**—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) **WEIGHT TO BE GIVEN SUCCESSFUL PAST PERFORMANCE.**—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) **DETERMINATION OF LEVEL OF FUNDING.**—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, §2413; 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; Pub. L. 115-232, div. A, title VIII, §858(a), Aug. 13, 2018, 132 Stat. 1892; renumbered §4952 and amended Pub. L. 116-283, div. A, title XVIII, §1872(a)(5), Jan. 1, 2021, 134 Stat. 4288.)

CODIFICATION

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

AMENDMENTS

2021—Pub. L. 116-283, §1872(a)(5), renumbered section 2413 of this title as this section. Directory language transferring this section to “chapter 385” was executed as if it had read “chapter 388” to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 116-283, §1872(a)(5)(A), inserted heading.

Subsec. (b). Pub. L. 116-283, §1872(a)(5)(B), inserted heading and, in par. (2), substituted “section 4957(b)” for “section 2419(b)”.

Subsecs. (c) to (e). Pub. L. 116-283, §1872(a)(5)(C)-(E), inserted heading.

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.

§ 4953. 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 paragraph (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 paragraph (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 4951(b)(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 4951(b)(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