

§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. 117–81, div. A, title XVII, §1701(m)(1), (3), Dec. 27, 2021, 135 Stat. 2144, 2145, amended Pub. L. 116–283, §1872(a)(1)(B), (2)–(4), which had originally added this section and transferred to subsecs. (a) to (c) thereof the text of sections 2412, 2411, and 2420 of this title, respectively. After amendment by Pub. L. 117–81, section 1872(a)(1)(B) of Pub. L. 116–283 reenacted this section, and section 1872(a)(2)–(4) of Pub. L. 116–283 instead transferred sections 2411, 2412, and 2420 to this section, section 4952, and section 4953 of this title, respectively.

AMENDMENTS

2023—Par. (1)(C), Pub. L. 118–31, §853(a)(1), substituted “nonprofit organization” for “private, nonprofit organization”.

Par. (5), Pub. L. 118–31, §853(a)(2), added par. (5).

2021—Pub. L. 117–81, §1701(m)(3), which directed amendment of section “1872(a)(B)” of Pub. L. 116–283, was executed as if it had referred to section “1872(a)(1)(B)” of Pub. L. 116–283, which enacted this section, to reflect the probable intent of Congress.

Pub. L. 116–283, §1872(a)(2), as amended by Pub. L. 117–81, §1701(m)(1)(A), transferred the text of section 2411 of this title to this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and Effective Date note below.

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. 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 and amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(1)(B), (3), Jan. 1, 2021, 134 Stat. 4287, 4288; Pub. L. 117–81, div. A, title XVII, §1701(m)(1)(B), (3), Dec. 27, 2021, 135 Stat. 2144, 2145.)

Editorial Notes

CODIFICATION

The text of section 2412 of this title, which was transferred to this section by Pub. L. 116–283, §1872(a)(3), 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. 117–81, div. A, title XVII, §1701(b)(24), (m)(2)(A), Dec. 27, 2021, 135 Stat. 2135, 2144, amended Pub. L. 116–283, §1872(a)(5), which had originally transferred section 2413 of this title to this section and made an amendment in the text. After amendment by Pub. L. 117–81, section 1872(a)(5) of Pub. L. 116–283 instead transferred section 2413 to section 4954 of this title and consequently amended the text of that section.

AMENDMENTS

2021—Pub. L. 117–81, §1701(m)(3), which directed amendment of section “1872(a)(B)” of Pub. L. 116–283, was executed as if it had referred to section “1872(a)(1)(B)” of Pub. L. 116–283, which enacted this section, to reflect the probable intent of Congress.

Pub. L. 116–283, §1872(a)(3), as amended by Pub. L. 117–81, §1701(m)(1)(B), transferred the text of section 2412 of this title to this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and Effective Date note below.

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.

§ 4953. Regulations

The Secretary of Defense shall prescribe regulations to carry out this chapter, and shall consult with an association recognized under section 4954(f)¹ regarding any revisions to such regulations.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(1)(B), (4), Jan. 1, 2021, 134 Stat. 4287, 4288; Pub. L. 117–81, div. A, title XVII, §1701(m)(1)(C), (3), Dec. 27, 2021, 135 Stat. 2144, 2145; Pub. L. 117–263, div. A, title VIII, §854(c), Dec. 23, 2022, 136 Stat. 2723.)

Editorial Notes

REFERENCES IN TEXT

Section 4954(f), referred to in text, was redesignated as section 4954(e) of this title, and a new subsec. (f) of section 4954 of this title was added, by Pub. L. 118–31, div. A, title VIII, §853(b)(2), (3), Dec. 22, 2023, 137 Stat. 344.

CODIFICATION

The text of section 2420 of this title, which was transferred to this section 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

¹ See References in Text note below.

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. 117–81, div. A, title XVII, § 1701(b)(24), (m)(2)(B), Dec. 27, 2021, 135 Stat. 2135, 2144, amended Pub. L. 116–283, § 1872(a)(6), which had originally transferred section 2414 of this title to this section and made amendments in the text. After amendment by Pub. L. 117–81, section 1872(a)(6) of Pub. L. 116–283 instead transferred section 2414 to section 4955 of this title and consequently amended the text of that section.

AMENDMENTS

2022—Pub. L. 117–263 inserted before period at end: “, and shall consult with an association recognized under section 4954(f) regarding any revisions to such regulations”.

2021—Pub. L. 117–81, § 1701(m)(3), which directed amendment of section “1872(a)(B)” of Pub. L. 116–283, was executed as if it had referred to section “1872(a)(1)(B)” of Pub. L. 116–283, which enacted this section, to reflect the probable intent of Congress.

Pub. L. 116–283, § 1872(a)(4), as amended by Pub. L. 117–81, § 1701(m)(1)(C), transferred the text of section 2420 of this title to this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and Effective Date note below.

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.

§ 4954. 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.**—(1) 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—

(A) 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

(B) in the case of a program sponsored by such an entity that provides assistance for covered small businesses pursuant to section 4959(b) of this title, the Secretary may agree to furnish the full cost of such assistance.

(2) The Secretary shall have the ability to waive or modify the percentages specified in

paragraph (1), on a case-by-case basis, if the Secretary determines that it would be in the best interest of the program.

(c) **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.

(d) **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.

(e) **ASSOCIATION RECOGNITION AND DUTIES.**—Eligible entities that provide procurement technical assistance pursuant to this chapter may form an association to pursue matters of common concern. If more than a majority of such eligible entities are members of such an association, the Secretary shall—

(1) recognize the existence and activities of such an association; and

(2) jointly develop with such association a model cooperative agreement that may be used at the option of the Secretary and an eligible entity.

(f) **WAIVER OF GOVERNMENT COST SHARE RESTRICTION.**—If the Secretary of Defense determines it to be in the best interests of the Federal Government, the Secretary may waive the restrictions on the percentage of eligible costs covered by the program under section (b). The Secretary shall submit to the congressional defense committees a written justification for such determination.

(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 § 4954 and amended Pub. L. 116–283, div. A, title XVIII, § 1872(a)(5), Jan. 1, 2021, 134 Stat. 4288; Pub. L. 117–81, div. A, title XVII, § 1701(b)(24), (m)(2)(A), Dec. 27, 2021, 135 Stat. 2135, 2144; Pub. L. 117–263, div. A, title VIII, § 854(b), Dec. 23, 2022, 136 Stat. 2722; Pub. L. 118–31, div. A, title VIII, § 853(b), Dec. 22, 2023, 137 Stat. 344.)

Editorial Notes

CODIFICATION

Pub. L. 117–81, div. A, title XVII, § 1701(m)(2)(C), Dec. 27, 2021, 135 Stat. 2144, amended Pub. L. 116–283,