

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,

§1872(a)(7), which had originally transferred section 2415 of this title to this section. After amendment by Pub. L. 117-81, section 1872(a)(7) of Pub. L. 116-283 instead transferred section 2415 to section 4956 of this title.

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

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31, §853(b)(1), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

Subsecs. (c) to (e). Pub. L. 118-31, §853(b)(2), redesignated subsecs. (d) to (f) as (c) to (e), respectively, and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “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.”

Subsec. (f). Pub. L. 118-31, §853(b)(3), added subsec. (f). Former subsec. (f) redesignated (e).

2022—Subsec. (f). Pub. L. 117-263 added subsec. (f).

2021—Pub. L. 116-283, §1872(a)(5), as amended by Pub. L. 117-81, §1701(b)(24), (m)(2)(A)(i), renumbered section 2413 of this title as this section.

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

Subsec. (b). Pub. L. 116-283, §1872(a)(5)(B), as amended by Pub. L. 117-81, §1701(m)(2)(A)(ii), inserted heading and, in par. (2), substituted “section 4959(b)” for “section 2419(b)”.

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

2018—Subsec. (b). Pub. L. 115-232, §858(a)(1), substituted “not more than 75 percent” for “not more than 65 percent” in introductory provisions.

Subsec. (b)(1). Pub. L. 115-232, §858(a)(2), substituted “more than 75 percent, but not more than 85 percent” for “more than 65 percent, but not more than 75 percent”.

2013—Subsec. (b). Pub. L. 113-66, §1612(a)(1), substituted “65 percent” for “one-half” in introductory provisions.

Pub. L. 113-66, §1611(c)(1)(A), (B), substituted “except that—

“(1) in the case”

for “except that in the case” and “; and” for period at end.

Subsec. (b)(1). Pub. L. 113-66, §1612(a), substituted “65 percent” for “one-half” and “75 percent” for “three-fourths”.

Subsec. (b)(2). Pub. L. 113-66, §1611(c)(1)(C), added par. (2).

Subsec. (d). Pub. L. 113-66, §1611(c)(3), struck out “and in determining the level of funding to provide under an agreement under subsection (b),” after “subsection (a),”.

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

2002—Subsec. (d). Pub. L. 107-314 added subsec. (d).

1998—Subsec. (c). Pub. L. 105-261 substituted “district” for “region”.

1987—Subsec. (b). Pub. L. 100-180 made technical amendment to directory language of Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661. See 1986 Amendment note below.

1986—Subsec. (b). Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661, as amended by Pub. L. 100-180, amended subsec. (b) identically, inserting “sponsor programs to” after first reference to “agree to”, “under such programs” after “such assistance”, and “with respect to such program” after “such cost” and substituting “a program sponsored by such an entity that provides services solely in a distressed area” for “an eligible entity that is a distressed entity”.

1985—Pub. L. 99-145 amended section generally, substituting “, in accordance with the provisions of this chapter, may enter” for “may, in accordance with the

provisions of this chapter, enter” in subsec. (a), adding subsec. (b), and redesignating former subsec. (b) as (c).

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 note below.

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

Pub. L. 99-145, title IX, §919(d), Nov. 8, 1985, 99 Stat. 693, provided that: “The amendments made by subsections (a) and (b) [amending this section, sections 4955 and 4956 of this title, and former sections 2411 and 2412 of this title] shall take effect on October 1, 1985.”

§ 4955. 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), \$1,500,000;

(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(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(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 4951(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 4959(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