

- 4959. Advancing small business growth.
- 4960. [Reserved].
- 4961. Administrative and other costs.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. A, title XVII, §1701(m)(3), Dec. 27, 2021, 135 Stat. 2145, amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(1)(B), Jan. 1, 2021, 134 Stat. 4287, which added this analysis, by generally revising the items to be inserted. Directory language amending section “1872(a)(B)” of Pub. L. 116–283 was executed as if it had referred to section “1872(a)(1)(B)” to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

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 [former] chapter 142 of title 10, United States Code [see chapter 388 of this title].

“(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).”

§ 4951. Definitions

In this chapter:

(1) The term “eligible entity” means any of the following:

- (A) A State.
- (B) A local government.
- (C) A 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 Under

Secretary of Defense for Acquisition and Sustainment.

(4) The terms “State” and “local government” have the meaning given those terms in section 6302 of title 31.

(5) The term “business entity” means a corporation, association, partnership, limited liability company, limited liability partnership, consortia, not-for-profit, or other legal entity.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1872(a)(1)(B), (2), Jan. 1, 2021, 134 Stat. 4287; Pub. L. 117–81, div. A, title XVII, §1701(m)(1)(A), (3), Dec. 27, 2021, 135 Stat. 2144, 2145; Pub. L. 118–31, div. A, title VIII, §853(a), Dec. 22, 2023, 137 Stat. 344.)

Editorial Notes

CODIFICATION

The text of section 2411 of this title, which was transferred to this section 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. 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. 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 sec-

tion 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.

¹ See References in Text note below.

(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 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