SEC. 833. REVISION TO REQUIRED DISTRIBUTION OF ASSISTANCE UNDER PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section 2413(c) of title 10, United States Code, is amended by striking "Department of Defense contract administration services district" and inserting "State".

(b) DISTRIBUTION.—Section 2415 of such title is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting "After apportioning funds available for assistance under this chapter for any fiscal year for efficient coverage of distressed areas referred to in section 2411(2)(B) of this title by programs operated by eligible entities referred to in section 2411(1)(D) of this title , the Secretary";

(B) by inserting "the remaining" before "funds available"; and

(C) by striking "Department of Defense contract administration services district" and inserting "State"; and

(2) in the second sentence—

(A) by striking "district" each place it appears and inserting "State"; and

(B) by striking "districts" and inserting "States".

Section-by-Section Analysis

This proposal would update the statutes governing the Procurement Technical Assistance Program (PTAP) (chapter 142 of title 10, United States Code) by amending 10 U.S.C. 2413 and 2415, the sections addressing award of funds. The program, administered by the Defense Logistics Agency (DLA), is designed to foster the ability of public entities to engage in business

with the Department of Defense (DoD). If enacted, the amendments will recognize and address changes in the DLA organizational structure.

When PTAP was established, DOD contract administration functions were part of the DLA mission; and there were approximately eleven contract administration districts. In 1999, contract administration functions transferred to a new and separate organization, the Defense Contract Management Agency (DCMA). DCMA currently is composed of headquarters and three contract management offices covering the eastern, central and western regions of the United States.

The proposal recognizes the current practice of using States as the geographic basis for cooperative agreement awards. It also ensures funding for reservations within the regions identified by the Bureau of Indian Affairs, Department of the Interior. This procedure ensures program funds are available to all States and is not limited to governmental organizational structures.

Budgetary Implications: This proposal has no budget implications as it addresses program structure. The proposed amendments, if enacted, will make administrative changes to the process used for distribution of funds under the PTAP, which will be carried out by DLA within the unadjusted baseline shown in the table, below.

RESOURCE REQUIREMENTS ($Millions)								
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Procurement Technical Assistance Program	$23.524	$23.871	$24.552	$25.145	$25.648	Operation and Maintenance, Defense-wide	04	0100

Changes to Existing Law: This proposal would make the following changes to the text of existing law:

TITLE 10, UNITED STATES CODE
CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

Sec.
2411. Definitions.
2412. Purposes.
2413. Cooperative agreements.
2414. Limitation.
2415. Distribution.

2416. Subcontractor information.
2417. Administrative costs.
2418. Authority to provide certain types of technical assistance.
2419. Advancing small business growth.
2420. Regulations.

§2411. 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 (Public Law 93–638; 25 U.S.C. 450b(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.

§2412. 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.

§2413. Cooperative agreements

(a) 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) 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 65 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 65 percent, but not more than 75 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 2419(b) of this title, the Secretary may agree to furnish the full cost of such assistance.

(c) 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~~ State during each fiscal year.

(d) 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) 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.

§2414. Limitation

(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), $750,000;

(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), $450,000;

(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, $300,000; 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, $750,000.

(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).

§ 2415. Distribution

After apportioning funds available for assistance under this chapter for any fiscal year for efficient coverage of distressed areas referred to in section 2411(2)(B) of this title by programs operated by eligible entities referred to in section 2411(1)(D) of this title , ~~The~~ the Secretary shall allocate the remaining funds available for assistance under this chapter equally to each ~~Department of Defense contract administrative services district~~ State. If in any such fiscal year there is an insufficient number of satisfactory proposals in a ~~district~~ State for cooperative agreements to allow effective use of the funds allocated to that ~~district~~ State, the funds remaining with respect to that ~~district~~ State shall be reallocated among the remaining ~~districts~~ States.