

services or other similar first responder agreements or arrangements.

(c) AVAILABILITY OF FUNDS.—Funds available to the Secretary concerned for operation and maintenance may be used to pay for such installation-support services. The costs of agreements under this section for any fiscal year may be paid using annual appropriations made available for that year. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to such an agreement shall be credited to the appropriation or account charged with providing installation support.

(d) EFFECT ON OMB CIRCULAR A-76.—The Secretary concerned shall ensure that intergovernmental support agreements authorized by this section are not used to circumvent the requirements of Office of Management and Budget Circular A-76 regarding public-private competitions.

(e) DEFINITIONS.—In this section:

(1) The term “installation-support services” means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions.

(2) The term “local government” includes a county, parish, municipality, city, town, township, local public authority, school district, special district, and any agency or instrumentality of a local government.

(3) The term “State” includes the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands, and any agency or instrumentality of a State.

(4) The term “intergovernmental support agreement” means a legal instrument reflecting a relationship between the Secretary concerned and a State or local government that contains such terms and conditions as the Secretary concerned considers appropriate for the purposes of this section and necessary to protect the interests of the United States.

(Added Pub. L. 112-239, div. A, title III, § 331(a), Jan. 2, 2013, 126 Stat. 1696, § 2336; renumbered § 2679 and amended Pub. L. 113-291, div. A, title III, § 351(a), (b), Dec. 19, 2014, 128 Stat. 3346; Pub. L. 114-92, div. A, title X, § 1081(a)(9), (b)(1), Nov. 25, 2015, 129 Stat. 1001.)

PRIOR PROVISIONS

A prior section 2679, added Pub. L. 87-651, title I, § 112(c), Sept. 7, 1962, 76 Stat. 511; amended Pub. L. 101-189, div. A, title XVI, § 1621(a)(9), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 103-337, div. A, title X, § 1070(e)(9), Oct. 5, 1994, 108 Stat. 2859, related to use of space and equipment by representatives of veterans' organizations, prior to repeal by Pub. L. 108-375, div. B, title XXVIII, § 2821(c)(2), Oct. 28, 2004, 118 Stat. 2129.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-92, § 1081(a)(9), struck out “with” before “, on a sole source”.

Subsec. (a)(4). Pub. L. 114-92, § 1081(b)(1), amended directory language of Pub. L. 113-291, § 351(b)(1)(C). See 2014 Amendment note below.

2014—Pub. L. 113-291, § 351(a), renumbered section 2336 of this title as this section and substituted “Install-

ation-support services: intergovernmental support agreement” for “Intergovernmental support agreements with State and local governments” in section catchline.

Subsec. (a)(1). Pub. L. 113-291, § 351(b)(1)(A), substituted “Notwithstanding any other provision of law governing the award of Federal government contracts for goods and services, the Secretary concerned” for “The Secretary concerned” and “, on a sole source basis, with a State or local” for “a State or local”.

Subsec. (a)(2). Pub. L. 113-291, § 351(b)(1)(B), substituted “An” for “Notwithstanding any other provision of law, an” in introductory provisions, redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “may be entered into on a sole-source basis;”.

Subsec. (a)(4). Pub. L. 113-291, § 351(b)(1)(C), as amended by Pub. L. 114-92, § 1081(b)(1), added par. (4).

Subsec. (e)(4). Pub. L. 113-291, § 351(b)(2), added par. (4).

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-92, div. A, title X, § 1081(b), Nov. 25, 2015, 129 Stat. 1001, provided in part that the amendment made by section 1081(b)(1) is effective as of Dec. 19, 2014, and as if included in Pub. L. 113-291 as enacted.

[§ 2680. Repealed. Pub. L. 111-383, div. B, title XXVIII, § 2814(a), Jan. 7, 2011, 124 Stat. 4464]

Section, added Pub. L. 102-190, div. B, title XXVIII, § 2863(a)(1), Dec. 5, 1991, 105 Stat. 1560; amended Pub. L. 103-160, div. B, title XXVIII, § 2807(a), Nov. 30, 1993, 107 Stat. 1887; Pub. L. 104-106, div. B, title XXVIII, § 2820(a), (b), Feb. 10, 1996, 110 Stat. 556; Pub. L. 106-65, div. A, title X, § 1067(1), div. B, title XXVIII, § 2811, Oct. 5, 1999, 113 Stat. 774, 851; Pub. L. 107-314, div. A, title X, § 1062(a)(13), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-136, div. A, title X, § 1031(a)(31), Nov. 24, 2003, 117 Stat. 1600, related to leases of land for special operations activities.

PRIOR PROVISIONS

A prior section 2680, added Pub. L. 87-651, title I, § 112(c), Sept. 7, 1962, 76 Stat. 511; amended Pub. L. 89-718, § 20, Nov. 2, 1966, 80 Stat. 1118, authorized reimbursement of moving expenses to owners of property acquired for public works projects, prior to repeal by Pub. L. 91-646, title II, § 220(a)(3), Jan. 2, 1971, 84 Stat. 1903. See section 4601 et seq. of Title 42, The Public Health and Welfare.

EFFECT OF REPEAL

Pub. L. 111-383, div. B, title XXVIII, § 2814(b), Jan. 7, 2011, 124 Stat. 4464, provided that: “The amendment made by subsection (a) [repealing this section] shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.”

§ 2681. Use of test and evaluation installations by commercial entities

(a) CONTRACT AUTHORITY.—The Secretary of Defense may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation.

(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the Secretary of Defense may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the Secretary of Defense certifies in writing that the test or evaluation activity is or would be detrimental—