

(a) [amending this section] and the repeal made by subsection (b) [repealing section 507(b) of Pub. L. 93-166, which was not classified to the Code] shall take effect October 1, 1977.”

[§ 2676. Renumbered § 2664]

[§ 2677. Repealed. Pub. L. 110-181, div. B, title XXVIII, § 2822(b)(1), Jan. 28, 2008, 122 Stat. 544]

Section, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1460; amended Pub. L. 87-554, title VI, §607, July 27, 1962, 76 Stat. 242; Pub. L. 92-145, title VII, §707(4), Oct. 27, 1971, 85 Stat. 412; Pub. L. 94-273, §6(3), Apr. 21, 1976, 90 Stat. 377; Pub. L. 97-214, §10(a)(5)(A), (B), July 12, 1982, 96 Stat. 175; Pub. L. 97-375, title I, §104(b), Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-407, title VIII, §803, Aug. 28, 1984, 98 Stat. 1519; Pub. L. 102-190, div. B, title XXVIII, § 2861, Dec. 5, 1991, 105 Stat. 1559; Pub. L. 103-35, title II, §201(c)(9), May 31, 1993, 107 Stat. 98; Pub. L. 107-314, div. A, title X, §1062(a)(12), Dec. 2, 2002, 116 Stat. 2650, related to options on property required for military construction projects.

§ 2678. Feral horses and burros: removal from military installations

When feral horses or burros are found on an installation under the jurisdiction of the Secretary of a military department, the Secretary may use helicopters and motorized equipment for their removal.

(Added Pub. L. 101-510, div. A, title XIV, §1481(h)(1), Nov. 5, 1990, 104 Stat. 1708.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-165, title IX, §9030, Nov. 21, 1989, 103 Stat. 1135, which was set out as a note under section 2241 of this title, prior to repeal by Pub. L. 101-510, §1481(h)(3).

A prior section 2678, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1460, related to acquisition of mortgaged housing units, prior to repeal by Pub. L. 97-214, §§7(1), 12(a), July 12, 1982, 96 Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date.

§ 2679. Installation-support services: intergovernmental support agreements

(a) **IN GENERAL.**—(1) Notwithstanding any other provision of law governing the award of Federal Government contracts for goods and services, the Secretary concerned may enter into an intergovernmental support agreement, on a sole source basis, with a State or local government to provide, receive, or share installation-support services if the Secretary determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

(2) An intergovernmental support agreement under paragraph (1)—

(A) may be for a term not to exceed ten years; and

(B) may use, for installation-support services provided by a State or local government, wage grades normally paid by that State or local government.

(3) An intergovernmental support agreement under paragraph (1) may only be used when the

Secretary concerned or the State or local government, as the case may be, providing the installation-support services already provides such services for its own use.

(4) Any contract for the provision of installation-support services awarded by the Federal Government or a State or local government pursuant to an intergovernmental support agreement provided in subsection (a) shall be awarded on a competitive basis.

(b) **EFFECT ON FIRST RESPONDER ARRANGEMENTS.**—The authority provided by this section and limitations on the use of that authority are not intended to revoke, preclude, or otherwise interfere with existing or proposed mutual-aid agreements relating to police or fire protection 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) **PILOT PROGRAM FOR USE OF COST SAVINGS REALIZED.**—(1) Each Secretary concerned shall conduct a pilot program under which the Secretary will make available to the commander of each military installation for which cost savings are realized as a result of an intergovernmental support agreement entered into under this section an amount equal to not less than 25 percent of the amount of such cost savings for that military installation for a fiscal year.

(2) Amounts made available to an installation commander under paragraph (1) shall be used solely to address sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

(3) With respect to each military installation for which amounts are made available to the installation commander under paragraph (1), the Secretary concerned shall certify, not less frequently than annually for each fiscal year of the pilot program, to the congressional defense committees the following:

(A) The name of the installation and the amount of the cost savings achieved at the installation.

(B) The source and type of intergovernmental support agreement that achieved the cost savings.

(C) The amount of the cost savings made available to the installation commander under paragraph (1).

(D) The sustainment restoration and modernization purposes for which the amount made available under paragraph (1) were used.

(4) The authority to conduct the pilot program shall expire September 30, 2025.

(f) 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; Pub. L. 115-91, div. B, title XXVIII, §2813, Dec. 12, 2017, 131 Stat. 1849; Pub. L. 115-232, div. A, title X, §1081(a)(26), Aug. 13, 2018, 132 Stat. 1985; Pub. L. 116-283, div. B, title XXVIII, §2861(a), Jan. 1, 2021, 134 Stat. 4356.)

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

2021—Subsecs. (e), (f). Pub. L. 116-283 added subsec. (e) and redesignated former subsec. (e) as (f).

2018—Subsec. (a)(1). Pub. L. 115-232 substituted “Federal Government” for “Federal government”.

2017—Subsec. (a)(2)(A). Pub. L. 115-91 substituted “ten years” for “five years”.

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 “Installation-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.

PROMULGATION OF GUIDANCE

Pub. L. 116-283, div. B, title XXVIII, §2861(b), Jan. 1, 2021, 134 Stat. 4357, provided that: “Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall promulgate guidance for the development of the pilot program required by subsection (e) of section 2679 of title 10, United States Code, as added by subsection (a).”

[§ 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—