

each yearly period may be paid from funds appropriated to that military department for that year.

(b) AVAILABILITY OF FUNDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of interests in land under this section.

(Added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1460; amended Pub. L. 91-511, title VI, § 608, Oct. 26, 1970, 84 Stat. 1224; Pub. L. 94-107, title VI, § 607(10), (11), Oct. 7, 1975, 89 Stat. 567; Pub. L. 95-82, title V, § 505(a), Aug. 1, 1977, 91 Stat. 371; Pub. L. 95-356, title V, § 503(b), Sept. 8, 1978, 92 Stat. 579; Pub. L. 96-125, title V, § 502(b), Nov. 26, 1979, 93 Stat. 940; Pub. L. 96-418, title V, § 504(b), Oct. 10, 1980, 94 Stat. 1765; Pub. L. 97-99, title VI, § 604, Dec. 23, 1981, 95 Stat. 1374; Pub. L. 97-214, § 8, July 12, 1982, 96 Stat. 174; Pub. L. 98-525, title XIV, § 1405(40), Oct. 19, 1984, 98 Stat. 2624; Pub. L. 101-510, div. A, title XIII, § 1322(a)(11), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 108-136, div. B, title XXVIII, § 2804(b), Nov. 24, 2003, 117 Stat. 1719; Pub. L. 108-375, div. B, title XXVIII, § 2821(d)(3), Oct. 28, 2004, 118 Stat. 2130; Pub. L. 109-364, div. B, title XXVIII, § 2824, Oct. 17, 2006, 120 Stat. 2476.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2675	5:171z-3.	Aug. 3, 1956, ch. 939, § 417, 70 Stat. 1018.

The words “that are not located on a military base” are substituted for the words “off-base”.

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-364 substituted “10 years” for “five years”.

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2003—Pub. L. 108-136 inserted “or 15 years in the case of a lease in Korea,” after “five years.”

1990—Pub. L. 101-510 struck out “(a)” before “The Secretary” and struck out subsec. (b) which read as follows: “A lease may not be entered into under this section for structures or related real property in any foreign country if the average estimated annual rental during the term of the lease if more than \$250,000 until after the expiration of 30 days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives.”

1984—Subsec. (b). Pub. L. 98-525 substituted “30” for “thirty”.

1982—Subsec. (a). Pub. L. 97-214, § 8(a), substituted provisions that the Secretary of a military department may acquire by lease in foreign countries, structures and real property needed for military purposes other than for military family housing for up to a period of five years with the rental to be paid from funds appropriated to that military department for that year, for former provisions that had allowed such leases including leases for military family housing and in the latter case for a period of up to 10 years.

Subsec. (b). Pub. L. 97-214, § 8(b), struck out “or any other provision of law” after “into under this section”, and “, family housing facilities,” after “for structures”.

Subsecs. (c), (d). Pub. L. 97-214, § 8(c), struck out subsec. (c) which provided that a statement in a lease that the requirements of this section have been met, or that

the lease is not subject to this section is conclusive, and subsec. (d) which related to limitations on expenditures for the rental of family housing in foreign countries and limitations on the number of family housing units which may be leased in a foreign country at any one time.

1981—Subsec. (d)(1). Pub. L. 97-99, § 604(1), substituted “250” for “150”.

Subsec. (d)(2). Pub. L. 97-99, § 604(2), substituted “22,000” for “17,000”.

1980—Subsec. (d)(1). Pub. L. 96-418 substituted “Expenditures for the rental of family housing in foreign countries (including the cost of utilities and maintenance and operation) may not exceed \$1,115 per month for any unit” for “The average unit rental for Department of Defense family housing acquired by lease in foreign countries may not exceed \$550 per month for the Department, and in no event shall the rental for any one unit exceed \$970 per month, including the costs of operation, maintenance, and utilities”.

1979—Subsec. (d)(1). Pub. L. 96-125, § 502(b)(1), substituted “\$550” for “\$485” and “\$970” for “\$850”.

Subsec. (d)(2). Pub. L. 96-125, § 502(b)(2), substituted “17,000” for “18,000”.

1978—Subsec. (d)(1). Pub. L. 95-356, § 503(b)(1), substituted “\$485” for “\$435” and “\$850” for “\$760”.

Subsec. (d)(2). Pub. L. 95-356, § 503(b)(2), substituted “18,000” for “15,000”.

1977—Subsec. (a). Pub. L. 95-82, § 505(a)(1), inserted provisions relating to military family housing facilities and real property related thereto.

Subsec. (b). Pub. L. 95-82, § 505(a)(2), inserted “or any other provision of law for structures, family housing facilities, or related real property in any foreign country,” after “section”.

Subsec. (d). Pub. L. 95-82, § 505(a)(3), added subsec. (d).

1975—Pub. L. 94-107 struck out reference to structures not on a military base in section catchline, and struck out “that are not located on a military base and” after “structures and real property relating thereto” in subsec. (a).

1970—Pub. L. 91-511 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 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, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-418, title VI, § 608, Oct. 10, 1980, 94 Stat. 1774, provided that: “Titles I, II, III, IV, and V [enacting section 2775 of this title and section 1594h-3 of Title 42, The Public Health and Welfare, amending this section, section 2686 of this title, and sections 1594a-1 and 1594h-2 of Title 42, and repealing provisions set out as a note under section 4593 of this title] shall take effect on October 1, 1980.”

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-82, title V, § 505(c), Aug. 1, 1977, 91 Stat. 372, provided that: “The amendments made by subsection (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.)

Editorial Notes

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.