

## CONFERENCE REPORT STATEMENT

### Intergovernmental support agreements with State and local governments (sec. 331)

The House bill contained a provision (sec. 331) that would authorize the Department of Defense to enter into intergovernmental support agreements with State or local government for the procurement of installation support services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision and prevent abuse of the new authority.

---

### SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENT WITH STATE AND LOCAL GOVERNMENTS.

(a) AGREEMENTS AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2336. Intergovernmental support agreements with State and local governments**

“(a) IN GENERAL.—

“(1) The Secretary concerned may enter into an intergovernmental support agreement 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) Notwithstanding any other provision of law, an intergovernmental support agreement under paragraph (1)—

“(A) may be entered into on a sole-source basis;

“(B) may be for a term not to exceed five years; and

“(C) 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.

“(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) 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.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2336. Intergovernmental support agreements with State and local governments.”.

---

## HOUSE/HASC REPORT LANGUAGE

### Section 331—Intergovernmental Support Agreements with State and Local Governments

This section would authorize the Secretary concerned to enter into intergovernmental support agreements with State or local governments for the procurement of installation support services. Procurement of police and fire protection services are specifically exempt from this authority.