

1 fense Authorization Act for Fiscal Year 2012, immediately
2 after the enactment of that Act.

3 **SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MAN-**
4 **AGERS.**

5 The Secretary of the Air Force, in managing system
6 program management responsibilities for sustainment pro-
7 grams not assigned to a program executive officer or a
8 direct reporting program manager, shall comply with the
9 Department of Defense Instructions regarding assignment
10 of program responsibility.

11 **Subtitle D—Readiness**

12 **SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS**
13 **WITH STATE AND LOCAL GOVERNMENTS.**

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

17 **“§ 2336. Intergovernmental support agreements with**
18 **State and local governments**

19 “(a) IN GENERAL.—(1) The Secretary concerned
20 may enter into an intergovernmental support agreement
21 with a State or local government to provide, receive, or
22 share installation-support services if the Secretary deter-
23 mines that the agreement will serve the best interests of
24 the department by enhancing mission effectiveness or cre-

1 ating efficiencies or economies of scale, including by reduc-
2 ing costs.

3 “(2) Notwithstanding any other provision of law, an
4 intergovernmental support agreement under paragraph
5 (1)—

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

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

9 “(C) may use, for installation-support services
10 provided by a State or local government, wage
11 grades normally paid by that State or local govern-
12 ment.

13 “(3) An intergovernmental support agreement under
14 paragraph (1) may only be used when the Secretary con-
15 cerned or the State or local government, as the case may
16 be, providing the installation-support services already pro-
17 vides such services for its own use.

18 “(b) EFFECT ON FIRST RESPONDER ARRANGE-
19 MENTS.—The authority provided by this section and limi-
20 tations on the use of that authority are not intended to
21 revoke, preclude, or otherwise interfere with existing or
22 proposed mutual-aid agreements relating to police or fire
23 protection services or other similar first responder agree-
24 ments or arrangements.

1 “(c) AVAILABILITY OF FUNDS.—Funds available to
2 the Secretary concerned for operation and maintenance
3 may be used to pay for such installation-support services.
4 The costs of agreements under this section for any fiscal
5 year may be paid using annual appropriations made avail-
6 able for that year. Funds received by the Secretary as re-
7 imbursement for providing installation-support services
8 pursuant to such an agreement shall be credited to the
9 appropriation or account charged with providing installa-
10 tion support.

11 “(d) EFFECT ON OMB CIRCULAR A-76.— The Sec-
12 retary concerned shall ensure that intergovernmental sup-
13 port agreements authorized by this section are not used
14 to circumvent the requirements of Office of Management
15 and Budget Circular A-76 regarding public-private com-
16 petitions.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘installation-support services’
19 means those services, supplies, resources, and sup-
20 port typically provided by a local government for its
21 own needs and without regard to whether such serv-
22 ices, supplies, resources, and support are provided to
23 its residents generally, except that the term does not
24 include security guard or fire-fighting functions.

1 “(2) The term ‘local government’ includes a
2 county, parish, municipality, city, town, township,
3 local public authority, school district, special district,
4 and any agency or instrumentality of a local govern-
5 ment.

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

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

 “2336. Intergovernmental support agreements with State and local govern-
 ments.”.

14 **SEC. 332. EXPANSION AND REAUTHORIZATION OF PILOT**
15 **PROGRAM FOR AVAILABILITY OF WORKING-**
16 **CAPITAL FUNDS FOR PRODUCT IMPROVE-**
17 **MENTS.**

18 (a) EXPANSION.—Section 330 of the National De-
19 fense Authorization Act for Fiscal Year 2008 (Public Law
20 110–181; 122 Stat. 68) is amended—

21 (1) in subsection (a), by inserting “, the Sec-
22 retary of the Navy, and the Secretary of the Air
23 Force (in this section referred to as the ‘Secretary
24 concerned’)” after “the Secretary of the Army”;