

## AMENDMENTS

2011—Pub. L. 111-383, § 2832(b)(4), substituted “Facilities: use of renewable forms of energy and energy efficient products” for “New construction: use of renewable forms of energy and energy efficient products” in section catchline.

Subsec. (a). Pub. L. 111-383, § 2832(b)(1), inserted “and facility repairs and renovations” after “military family housing projects” and substituted “energy performance master plan” for “energy performance plan”.

Subsec. (b)(1). Pub. L. 111-383, § 2832(b)(2), substituted “the design for the construction, repair, or renovation of facilities (including family housing and back-up power generation facilities) requires consideration of energy systems using solar energy or other renewable forms of energy when use of a renewable form of energy—” for “the design of all new facilities (including family housing) shall include consideration of energy systems using solar energy or other renewable forms of energy.” and added subpars. (A) and (B).

Subsec. (e). Pub. L. 111-383, § 2832(b)(3)(A), substituted “Use of Energy Efficient Products in Facilities” for “Use of Energy Efficiency Products in New Construction” in heading.

Subsec. (e)(1). Pub. L. 111-383, § 2832(b)(3)(B), substituted “construction, repair, or renovation of facilities” for “new facility construction” and “energy performance master plan” for “energy performance plan”.

Subsec. (e)(2). Pub. L. 112-81 added par. (2) and struck out former par. (2), which related to energy efficient products and provided examples of technologies, consistent with the products specified in paragraph (3).

Pub. L. 111-383, § 2832(b)(3)(D), added par. (2). Former par. (2) redesignated (3).

Subsec. (e)(3). Pub. L. 111-383, § 2832(b)(3)(C), redesignated par. (2) as (3).

2006—Pub. L. 109-364, § 2854(b)(1), substituted “New construction: use of renewable forms of energy and energy efficient products” for “Use of renewable forms of energy in new facilities” in section catchline.

Pub. L. 109-364, § 2851(b)(1), renumbered section 2857 of this title as this section.

Subsec. (a). Pub. L. 109-364, § 2854(b)(2), (3)(A)(i), inserted heading and substituted “is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title and supported by the special considerations specified in subsection (c) of such section” for “would be practical and economically feasible”.

Subsec. (b). Pub. L. 109-364, § 2854(b)(3), inserted heading.

Subsec. (b)(1). Pub. L. 109-364, § 2851(b)(3)(A)(ii), struck out “in those cases in which use of such forms of energy has the potential for reduced energy costs” before period at end.

Subsecs. (c), (d). Pub. L. 109-364, § 2854(b)(4), (5) inserted headings.

Subsec. (e). Pub. L. 109-364, § 2854(a), added subsec. (e). 1991—Subsec. (c)(2). Pub. L. 102-25 inserted “(42 U.S.C. 8254(a))” after “Policy Act”.

1990—Subsec. (c)(2), (3). Pub. L. 101-510 added par. (2) and struck out former pars. (2) and (3) which read as follows:

“(2) A determination under paragraph (1) of whether a cost-differential can be recovered over the expected life of a facility shall be made using accepted life-cycle costing procedures and shall include—

“(A) the use of all capital expenses and all operating and maintenance expenses associated with the energy system with and without an energy system using solar energy or other renewable forms of energy over the expected life of the facility or during a period of 25 years, whichever is shorter;

“(B) the use of fossil fuel costs (and a rate of cost growth for fossil fuel costs) as determined by the Secretary of Defense; and

“(C) the use of a discount rate of 7 percent per year for all expenses of the energy system.

“(3) For the purpose of any life-cycle cost analysis under this subsection, the original investment cost of

the energy system using solar energy or other renewable forms of energy shall be reduced by 10 percent to reflect an allowance for an investment cost credit.”

1989—Subsec. (b)(1). Pub. L. 101-218 substituted “reduced energy costs” for “significant savings of fossil-fuel-derived energy”.

1984—Subsec. (b)(1). Pub. L. 98-525 substituted “use of such forms of energy has the potential for” for “use of solar energy has the potential for”.

1982—Pub. L. 97-321, § 801(b)(2), substituted “renewable forms of energy in new facilities” for “solar energy systems” in section catchline.

Subsec. (a). Pub. L. 97-321, § 801(b)(1)(A), substituted “energy systems using solar energy or other renewable forms of energy” and “such form of energy would” for “solar energy systems” and “solar energy would”, respectively.

Subsec. (b)(1). Pub. L. 97-321, § 801(b)(1)(B), substituted “energy systems using solar energy or other renewable forms of energy” for “solar energy systems” and directed that “such form of energy has” be substituted for “a solar energy has”, but “a solar energy has” did not appear in par. (1). See 1984 Amendment note above.

Subsec. (b)(2). Pub. L. 97-321, § 801(b)(1)(B)(i), substituted “energy systems using solar energy or other renewable forms of energy” for “solar energy systems”.

Subsec. (c). Pub. L. 97-321, § 801(b)(1)(C)–(E), substituted: in par. (1) “an energy system using solar energy or other renewable forms of energy” for “a solar energy system” before “for a facility” and in items (A) and (B) “such a system” for “a solar energy system”; in par. (2)(A) “an energy system using solar energy or other renewable forms of energy” for “a solar energy system”; and in par. (3) “energy system using solar energy or other renewable forms of energy” for “solar energy system”, respectively.

Subsec. (d). Pub. L. 97-321, § 801(b)(1)(F), substituted “heating equipment, cooling equipment, or both heating and cooling equipment using solar energy or other renewable forms of energy or with a passive energy system using solar energy or other renewable forms of energy” for “solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, or with a passive solar energy system”.

## EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title XIV, § 1405(45)(B), Oct. 19, 1984, 98 Stat. 2625, provided that: “The amendment made by subparagraph (A) [amending this section] shall take effect as if it had been included in the amendments made by section 801 of Public Law 97-321.”

## EFFECTIVE DATE

For effective date and applicability of section, see section 12(a) of Pub. L. 97-214, set out as a note under section 2801 of this title.

**§ 2916. Sale of electricity from alternate energy and cogeneration production facilities**

(a) The Secretary of a military department may sell, contract to sell, or authorize the sale by a contractor to a public or private utility company of electrical energy generated from alternate energy or cogeneration type production facilities which are under the jurisdiction (or produced on land which is under the jurisdiction) of the Secretary concerned. The sale of such energy shall be made under such regulations, for such periods, and at such prices as the Secretary concerned prescribes consistent with the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(b)(1) Proceeds from sales under subsection (a) shall be credited to the appropriation account currently available to the military department concerned for the supply of electrical energy.

(2) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2911(b) of this title, including minor military construction projects authorized under section 2805 of this title that are designed to increase energy conservation.

(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

(Added Pub. L. 98-407, title VIII, §810(a), Aug. 28, 1984, 98 Stat. 1523, §2483; amended Pub. L. 103-160, div. B, title XXVIII, §2802, Nov. 30, 1993, 107 Stat. 1884; renumbered §2867, Pub. L. 105-85, div. A, title III, §371(b)(2), Nov. 18, 1997, 111 Stat. 1705; Pub. L. 108-136, div. A, title X, §1031(a)(49), Nov. 24, 2003, 117 Stat. 1602; renumbered §2916 and amended Pub. L. 109-364, div. B, title XXVIII, §2851(b)(1), (3)(B), Oct. 17, 2006, 120 Stat. 2494.)

#### REFERENCES IN TEXT

The Public Utility Regulatory Policies Act of 1978, referred to in subsec. (a), is Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3117, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 16, Conservation, and Tables.

#### AMENDMENTS

2006—Pub. L. 109-364, §2851(b)(1), renumbered section 2867 of this title as this section.

Subsec. (b)(2). Pub. L. 109-364, §2851(b)(3)(B), substituted “2911(b)” for “2865(a)”.

2003—Subsec. (c). Pub. L. 108-136 inserted before period at end “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

1997—Pub. L. 105-85 renumbered section 2483 of this title as this section.

1993—Subsec. (b). Pub. L. 103-160, §2802(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 103-160, §2802(b), added subsec. (c).

#### § 2917. Development of geothermal energy on military lands

(a) DEVELOPMENT AUTHORIZED.—The Secretary of a military department may develop, or authorize the development of, any geothermal energy resource within lands under the Secretary’s jurisdiction, including public lands, for the use or benefit of the Department of Defense if that development is in the public interest, as determined by the Secretary concerned, and will not deter commercial development and use of other portions of such resource if offered for leasing.

(b) CONSIDERATION OF ENERGY SECURITY.—The development of a geothermal energy project under subsection (a) should include consideration of energy security in the design and development of the project.

(Added Pub. L. 97-214, §6(c)(1), July 12, 1982, 96 Stat. 172, §2689; renumbered §2917, Pub. L. 109-364, div. B, title XXVIII, §2851(b)(1), Oct. 17, 2006, 120 Stat. 2494; amended Pub. L. 112-81, div. B, title XXVIII, §2822(c), Dec. 31, 2011, 125 Stat. 1692.)

#### AMENDMENTS

2011—Pub. L. 112-81 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2006—Pub. L. 109-364 renumbered section 2689 of this title as this section.

#### EFFECTIVE DATE

Section 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 a note under section 2801 of this title.

#### § 2918. Fuel sources for heating systems; prohibition on converting certain heating facilities

(a)(1) The Secretary of the military department concerned shall provide that the primary fuel source to be used in any new heating system constructed on lands under the jurisdiction of the military department is the most cost effective fuel for that heating system over the life cycle of the system.

(2) The Secretary of Defense shall prescribe regulations for the determination of the life-cycle cost effectiveness of a fuel for the purposes of paragraph (1).

(b) The Secretary of a military department may not convert a heating facility at a United States military installation in Europe from a coal-fired facility to an oil-fired facility, or to any other energy source facility, unless the Secretary determines that the conversion—

(1) is required by the government of the country in which the facility is located; or

(2) is cost-effective over the life cycle of the facility.

(Added Pub. L. 97-214, §6(c)(1), July 12, 1982, 96 Stat. 173, §2690; amended Pub. L. 99-661, div. A, title XII, §1205(a)(1), Nov. 14, 1986, 100 Stat. 3971; Pub. L. 105-85, div. A, title X, §1041(a), Nov. 18, 1997, 111 Stat. 1885; renumbered §2918, Pub. L. 109-364, div. B, title XXVIII, §2851(b)(1), Oct. 17, 2006, 120 Stat. 2494.)

#### AMENDMENTS

2006—Pub. L. 109-364 renumbered section 2690 of this title as this section.

1997—Subsec. (b). Pub. L. 105-85 substituted “unless the Secretary determines that the conversion—” for “unless the Secretary—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) and (2) which read as follows:

“(1) determines that the conversion (A) is required by the government of the country in which the facility is located, or (B) is cost effective over the life cycle of the facility; and

“(2) submits to Congress notification of the proposed conversion and a period of 30 days has elapsed following the date on which Congress receives the notice.”

1986—Pub. L. 99-661 substituted “Fuel sources for heating systems; prohibition on converting certain heating facilities” for “Restriction on fuel sources for new heating systems” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) Except as provided in subsection (b), a new heating system that requires a heat input rate of fifty mil-