

lion British thermal units per hour or more and that uses oil or gas (or a derivative of oil or gas) as fuel may not be constructed on lands under the jurisdiction of a military department.

“(b) The Secretary of the military department concerned may waive the provisions of subsection (a) in rare and unusual cases, but such a waiver may not become effective until after the Secretary has notified the appropriate committees of Congress in writing of the waiver.

“(c) The Secretary of the military department concerned may not provide service for a new heating system in increments in order to avoid the prohibition contained in subsection (a).”

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.

§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

- (1) An electric utility.
- (2) An independent system operator.
- (3) A State agency.
- (4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be—

- (1) received as a cost reduction in the utility bill for a facility; or
- (2) deposited into the fund established under subsection (c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

(c) ENERGY SAVINGS FINANCIAL INCENTIVES FUND.—There is established in the Treasury a fund to be known as the “Energy Savings Financial Incentives Fund”. The Fund shall consist of any amount deposited in the Fund pursuant to subsection (b)(2) and amounts appropriated or otherwise made available to the Fund by law.

(Added Pub. L. 111-84, div. B, title XXVIII, § 2843(a), Oct. 28, 2009, 123 Stat. 2681.)

SUBCHAPTER II—ENERGY-RELATED PROCUREMENT

Sec.
2922. Liquid fuels and natural gas: contracts for storage, handling, or distribution.
2922a. Contracts for energy or fuel for military installations.

Sec.
2922b. Procurement of energy systems using renewable forms of energy.
2922c. Procurement of gasohol as motor vehicle fuel.
2922d. Procurement of fuel derived from coal, oil shale, and tar sands.
2922e. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.
2922f. Preference for energy efficient electric equipment.
2922g. Preference for motor vehicles using electric or hybrid propulsion systems.

AMENDMENTS

2009—Pub. L. 111-84, div. B, title XXVIII, § 2844(b), Oct. 28, 2009, 123 Stat. 2682, added item 2922g.

§ 2922. Liquid fuels and natural gas: contracts for storage, handling, or distribution

(a) AUTHORITY TO CONTRACT.—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels or natural gas.

(b) PERIOD OF CONTRACT.—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of 20 years.

(c) OPTION TO PURCHASE FACILITY.—A contract under this section may contain an option for the purchase by the United States of the facility covered by the contract at the expiration or termination of the contract, without regard to subsections (a) and (b) of section 3324 of title 31, and before approval of title to the underlying land by the Attorney General.

(Added Pub. L. 85-861, §1(46), Sept. 2, 1958, 72 Stat. 1457, §2388; amended Pub. L. 97-214, §10(a)(3), July 12, 1982, 96 Stat. 175; Pub. L. 97-258, §3(b)(6), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 97-295, §1(27), Oct. 12, 1982, 96 Stat. 1291; Pub. L. 98-525, title XIV, §1405(56)(A), Oct. 19, 1984, 98 Stat. 2626; Pub. L. 101-510, div. A, title XIII, §1322(a)(6), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 103-160, div. A, title VIII, §825, Nov. 30, 1993, 107 Stat. 1711; Pub. L. 103-355, title III, §3064, Oct. 13, 1994, 108 Stat. 3337; renumbered §2922, Pub. L. 109-364, div. B, title XXVIII, §2851(b)(2), Oct. 17, 2006, 120 Stat. 2494.)

HISTORICAL AND REVISION NOTES 1956 ACT

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 2388(a) | 50:98i (1st sentence). | Aug. 3, 1956, ch. 939, § 416, 70 Stat. 1018. |
| 2388(b) | 50:98i (2d sentence). | |
| 2388(c) | 50:98i (less 1st and 2d sentences and proviso of last sentence). | |
| 2388(d) | 50:98i (proviso of last sentence). | |

In subsection (b), the words “section applies only” are substituted for the words “authority is limited”. The word “standards” is substituted for the word “criteria”.

In subsection (c), the words “A contract under this section” are substituted for the words “Such contracts”. The last 33 words are substituted for 50:98i (28 words before proviso of last sentence).