

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Executive Director is responsible for the management of the Strategic Environmental Research and Development Program in accordance with the policies established by the Council.

(c) The Executive Director may enter into contracts using competitive procedures. The Executive Director may enter into other agreements in accordance with applicable law. In either case, the Executive Director shall first obtain the approval of the Council for any contract or agreement in an amount equal to or in excess of \$500,000 or such lesser amount as the Council may prescribe.

(d)(1) The Executive Director, with the concurrence of the Council, may appoint such professional and clerical staff as may be necessary to carry out the responsibilities and policies of the Council.

(2) The Executive Director, with the concurrence of the Council and without regard to the provisions of chapter 51 of title 5 and subchapter III of chapter 53 of such title, may establish the rates of basic pay for professional, scientific, and technical employees appointed pursuant to paragraph (1).

(Added Pub. L. 101-510, div. A, title XVIII, §1801(a)(1), Nov. 5, 1990, 104 Stat. 1755; amended Pub. L. 102-25, title VII, §701(h)(2), Apr. 6, 1991, 105 Stat. 115; Pub. L. 103-160, div. A, title II, §265(b), Nov. 30, 1993, 107 Stat. 1611; Pub. L. 104-106, div. A, title II, §203(d), (e)(1), Feb. 10, 1996, 110 Stat. 218.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-106, §203(d), substituted “contracts using competitive procedures. The Executive Director may enter into” for “contracts or” and “law. In either case,” for “law, except that”.

Subsec. (d)(2). Pub. L. 104-106, §203(e)(1), struck out at end “The authority provided in the preceding sentence shall expire on September 30, 1995.”

1993—Subsec. (d)(2). Pub. L. 103-160 substituted “September 30, 1995” for “November 5, 1992”.

1991—Subsec. (d)(2). Pub. L. 102-25 substituted “on November 5, 1992” for “two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title II, §203(e)(2), Feb. 10, 1996, 110 Stat. 218, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as of September 29, 1995.”

§ 2904. Strategic Environmental Research and Development Program Scientific Advisory Board

(a) The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly appoint a Strategic Environmental Research and Development Program Scientific Advisory Board (hereafter in this section referred to as the “Advisory Board”) consisting of not less than six and not more than 14 members.

(b)(1) The following persons shall be permanent members of the Advisory Board:

(A) The Science Advisor to the President, or his designee.

(B) The Administrator of the National Oceanic and Atmospheric Administration, or his designee.

(2) Other members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. At least one member of the Advisory Board shall be a representative of environmental public interest groups and one member shall be a representative of the interests of State governments.

(3) The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall request—

(A) that the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Advisory Board;

(B) that the Council on Environmental Quality nominate for appointment to the Advisory Board at least one person who is a representative of environmental public interest groups; and

(C) that the National Association of Governors nominate for appointment to the Advisory Board at least one person who is representative of the interests of State governments.

(4) Members of the Advisory Board shall be appointed for terms of not less than two and not more than four years.

(c) A member of the Advisory Board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5 (relating to compensation for work-related injuries) and chapter 171 of title 28 (relating to tort claims).

(d) The Advisory Board shall prescribe procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, provide for annual election of the Chairman by the members of the Advisory Board, and require at least four meetings of the Advisory Board each year.

(e) The Council shall refer to the Advisory Board, and the Advisory Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of \$1,000,000. The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal.

(f) The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program.

(g) The Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to section 2902(d)(1) of this title.

(h) Each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(Added Pub. L. 101-510, div. A, title XVIII, §1801(a)(1), Nov. 5, 1990, 104 Stat. 1756; amended Pub. L. 102-190, div. A, title II, §257(b), Dec. 5, 1991, 105 Stat. 1331; Pub. L. 105-85, div. A, title III, §341, Nov. 18, 1997, 111 Stat. 1686; Pub. L. 106-398, §1 [[div. A], title III, §313(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-55.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (h), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. Title I of the Act is set out in the Appendix to Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5 and Tables.

AMENDMENTS

2000—Subsecs. (h), (i). Pub. L. 106-398 redesignated subsec. (i) as (h) and struck out former subsec. (h) which read as follows: “Not later than March 15 of each year, the Advisory Board shall submit to the Congress an annual report setting forth its actions during the year preceding the year in which the report is submitted and any recommendations, including recommendations on projects, programs, and information exchange and recommendations for legislation, that the Advisory Board considers appropriate regarding the Strategic Environmental Research and Development Program.”

1997—Subsec. (b)(4). Pub. L. 105-85 substituted “not less than two and not more than four” for “three years”.

1991—Subsec. (a). Pub. L. 102-190, §257(b)(1), substituted “14 members” for “13 members”.

Subsec. (b)(1). Pub. L. 102-190, §257(b)(2), added par. (1) and struck out former par. (1) which read as follows: “The Science Advisor to the President, or his designee, shall be a permanent member of the Advisory Board.”

INITIAL APPOINTMENTS OF ADVISORY BOARD MEMBERS

Pub. L. 101-510, div. A, title XVIII, §1801(b), Nov. 5, 1990, 104 Stat. 1757, directed Secretary of Defense and Secretary of Energy to make the appointments required by 10 U.S.C. 2904(a) not later than 60 days after Nov. 5, 1990, and provided that up to one-half of the members originally appointed to the Strategic Environmental Research and Development Program Scientific Advisory Board could be appointed for terms of not more than six and not less than two years in order to provide for staggered expiration of the terms of members.

FIRST ANNUAL REPORT OF ADVISORY BOARD

Pub. L. 101-510, div. A, title XVIII, §1801(d), Nov. 5, 1990, 104 Stat. 1758, directed that first annual report of the Strategic Environmental Research and Development Program Scientific Advisory Board be submitted not later than Mar. 15, 1992.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 173—ENERGY SECURITY

Subchapter	Sec.
I. Energy Security Activities	2911
II. Energy-Related Procurement	2922
III. General Provisions	2924

AMENDMENTS

2011—Pub. L. 112-81, div. B, title XXVIII, §2821(a)(2)(A), Dec. 31, 2011, 125 Stat. 1691, substituted “2924” for “2925” in item III.

2011—Pub. L. 111-383, div. A, title X, §1075(b)(47), Jan. 7, 2011, 124 Stat. 4371, inserted “Sec.” above “2911”.

SUBCHAPTER I—ENERGY SECURITY ACTIVITIES

Sec.	
2911.	Energy policy of the Department of Defense.
2912.	Availability and use of energy cost savings.
2913.	Energy savings contracts and activities.
2914.	Energy resiliency and conservation construction projects.
2915.	Facilities: use of renewable forms of energy and energy efficient products.
2916.	Sale of electricity from alternate energy and cogeneration production facilities.
2917.	Development of geothermal energy on military lands.
2918.	Fuel sources for heating systems; prohibition on converting certain heating facilities.
2919.	Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.

AMENDMENTS

2017—Pub. L. 115-91, div. B, title XXVIII, §2831(b), Dec. 12, 2017, 131 Stat. 1857, which directed amendment of the analysis at the beginning of this chapter by adding item 2911 and striking out former item 2911 “Energy performance goals and master plan for the Department of Defense”, was executed in the analysis for this subchapter to reflect the probable intent of Congress.

2016—Pub. L. 114-328, div. B, title XXVIII, §2805(a)(2), Dec. 23, 2016, 130 Stat. 2714, which directed amendment of the analysis at the beginning of this chapter by adding item 2914 and striking out former item 2914 “Energy conservation construction projects”, was executed in the analysis for this subchapter to reflect the probable intent of Congress.

2011—Pub. L. 111-383, div. B, title XXVIII, §2832(c)(2), Jan. 7, 2011, 124 Stat. 4470, added items 2911 and 2915 and struck out former items 2911 “Energy performance goals and plan for Department of Defense” and 2915 “New construction: use of renewable forms of energy and energy efficient products”.

2009—Pub. L. 111-84, div. B, title XXVIII, §2843(b), Oct. 28, 2009, 123 Stat. 2682, added item 2919.

§ 2911. Energy policy of the Department of Defense

(a) GENERAL ENERGY POLICY.—The Secretary of Defense shall ensure the readiness of the armed forces for their military missions by pursuing energy security and energy resilience.

(b) AUTHORITIES.—In order to achieve the policy set forth in subsection (a), the Secretary of Defense may—

(1) require the Secretary of a military department to establish and maintain an energy resilience master plan for an installation;

(2) authorize the use of energy security and energy resilience, including the benefits of on-site generation resources that reduce or avoid the cost of backup power, as factors in the cost-benefit analysis for procurement of energy; and