

(3) Exploring advanced concepts, alternate propulsion, and power configurations, including hybrid fuel cell powered systems.

(4) Exploring the use of alternate fuel in conventional or nonconventional turbine-based systems.

**(c) Authorization of appropriations**

There are authorized to be appropriated to the Secretary for carrying out this section \$50,000,000 for each of the fiscal years 2006, 2007, 2008, 2009, and 2010.

(Pub. L. 109-58, title VII, §758, Aug. 8, 2005, 119 Stat. 833.)

PART E—FEDERAL AND STATE PROCUREMENT

**§ 16121. Definitions**

In this part:

**(1) Fuel cell**

The term “fuel cell” means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

**(2) Light-duty or heavy-duty vehicle fleet**

The term “light-duty or heavy-duty vehicle fleet” does not include any vehicle designed or procured for combat or combat-related missions.

**(3) Stationary; portable**

The terms “stationary” and “portable”, when used in reference to a fuel cell, include—

- (A) continuous electric power; and
- (B) backup electric power.

**(4) Task Force**

The term “Task Force” means the Hydrogen and Fuel Cell Technical Task Force established under section 16155 of this title.

**(5) Technical Advisory Committee**

The term “Technical Advisory Committee” means the independent Technical Advisory Committee selected under section 16156 of this title.

(Pub. L. 109-58, title VII, §781, Aug. 8, 2005, 119 Stat. 835.)

**§ 16122. Federal and State procurement of fuel cell vehicles and hydrogen energy systems**

**(a) Purposes**

The purposes of this section are—

- (1) to stimulate acceptance by the market of fuel cell vehicles and hydrogen energy systems;
- (2) to support development of technologies relating to fuel cell vehicles, public refueling stations, and hydrogen energy systems; and
- (3) to require the Federal government,<sup>1</sup> which is the largest single user of energy in the United States, to adopt those technologies as soon as practicable after the technologies are developed, in conjunction with private industry partners.

<sup>1</sup> So in original. Probably should be capitalized.

**(b) Federal leases and purchases**

**(1) Requirement**

**(A) In general**

Not later than January 1, 2010, the head of any Federal agency that uses a light-duty or heavy-duty vehicle fleet shall lease or purchase fuel cell vehicles and hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).

**(B) Learning demonstration vehicles**

The Secretary may lease or purchase appropriate vehicles developed under subsections (a)(10) and (b)(1)(A) of section 16157 of this title to meet the requirement in subparagraph (A).

**(2) Costs of leases and purchases**

**(A) In general**

The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay to Federal agencies (or share the cost under interagency agreements) the difference in cost between—

- (i) the cost to the agencies of leasing or purchasing fuel cell vehicles and hydrogen energy systems under paragraph (1); and
- (ii) the cost to the agencies of a feasible alternative to leasing or purchasing fuel cell vehicles and hydrogen energy systems, as determined by the Secretary.

**(B) Competitive costs and management structures**

In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

- (i) a cost-effective purchase of a fuel cell vehicle or hydrogen energy system; or
- (ii) a cost-effective management structure of the lease of a fuel cell vehicle or hydrogen energy system.

**(3) Exception**

**(A) In general**

If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable fuel cell vehicle or hydrogen energy system in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

**(B) Consideration**

In making a determination under subparagraph (A), the Secretary shall consider—

- (i) the needs of the agency; and
- (ii) an evaluation performed by—
  - (I) the Task Force; or
  - (II) the Technical Advisory Committee.

**(c) Energy savings goals**

**(1) In general**

**(A) Regulations**

Not later than December 31, 2006, the Secretary shall—

- (i) in cooperation with the Task Force, promulgate regulations for the period of 2008 through 2010 that extend and augment

energy savings goals for each Federal agency, in accordance with any Executive order issued after March 2000; and

(ii) promulgate regulations to expand the minimum Federal fleet requirement and credit allowances for fuel cell vehicle systems under section 13212 of this title.

**(B) Review, evaluation, and new regulations**

Not later than December 31, 2010, the Secretary shall—

(i) review the regulations promulgated under subparagraph (A);

(ii) evaluate any progress made toward achieving energy savings by Federal agencies; and

(iii) promulgate new regulations for the period of 2011 through 2015 to achieve additional energy savings by Federal agencies relating to technical and cost-performance standards.

**(2) Offsetting energy savings goals**

An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal of the agency.

**(d) Cooperative program with State agencies**

**(1) In general**

The Secretary may establish a cooperative program with State agencies managing motor vehicle fleets to encourage purchase of fuel cell vehicles by the agencies.

**(2) Incentives**

In carrying out the cooperative program, the Secretary may offer incentive payments to a State agency to assist with the cost of planning, differential purchases, and administration.

**(e) Authorization of appropriations**

There is authorized to be appropriated to carry out this section—

(1) \$15,000,000 for fiscal year 2008;

(2) \$25,000,000 for fiscal year 2009;

(3) \$65,000,000 for fiscal year 2010; and

(4) such sums as are necessary for each of fiscal years 2011 through 2015.

(Pub. L. 109–58, title VII, § 782, Aug. 8, 2005, 119 Stat. 835.)

**§ 16123. Federal procurement of stationary, portable, and micro fuel cells**

**(a) Purposes**

The purposes of this section are—

(1) to stimulate acceptance by the market of stationary, portable, and micro fuel cells; and

(2) to support development of technologies relating to stationary, portable, and micro fuel cells.

**(b) Federal leases and purchases**

**(1) In general**

Not later than January 1, 2006, the head of any Federal agency that uses electrical power from stationary, portable, or microportable devices shall lease or purchase a stationary, portable, or micro fuel cell to meet any appli-

cable energy savings goal described in subsection (c).

**(2) Costs of leases and purchases**

**(A) In general**

The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay the cost to Federal agencies (or share the cost under inter-agency agreements) of leasing or purchasing stationary, portable, and micro fuel cells under paragraph (1).

**(B) Competitive costs and management structures**

In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

(i) a cost-effective purchase of a stationary, portable, or micro fuel cell; or

(ii) a cost-effective management structure of the lease of a stationary, portable, or micro fuel cell.

**(3) Exception**

**(A) In general**

If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable stationary, portable, or micro fuel cell in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

**(B) Consideration**

In making a determination under subparagraph (A), the Secretary shall consider—

(i) the needs of the agency; and

(ii) an evaluation performed by—

(I) the Task Force; or

(II) the Technical Advisory Committee of the Task Force.

**(c) Energy savings goals**

An agency that leases or purchases a stationary, portable, or micro fuel cell in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal described in section 16157 of this title that is applicable to the agency.

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section—

(1) \$20,000,000 for fiscal year 2006;

(2) \$50,000,000 for fiscal year 2007;

(3) \$75,000,000 for fiscal year 2008;

(4) \$100,000,000 for fiscal year 2009;

(5) \$100,000,000 for fiscal year 2010; and

(6) such sums as are necessary for each of fiscal years 2011 through 2015.

(Pub. L. 109–58, title VII, § 783, Aug. 8, 2005, 119 Stat. 837.)

PART F—DIESEL EMISSIONS REDUCTION

**§ 16131. Definitions**

In this part:

**(1) Administrator**

The term “Administrator” means the Administrator of the Environmental Protection Agency.