

(c) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The preference required by subsection (a) does not preclude the Secretary of Defense from authorizing the Secretary of a military department or head of a Defense Agency to provide a preference for another vehicle technology that reduces the consumption of fossil fuels if the Secretary of Defense determines that the technology is consistent with the energy performance goals and plan of the Department required by section 2911 of this title.

(Added Pub. L. 111-84, div. B, title XXVIII, § 2844(a), Oct. 28, 2009, 123 Stat. 2682; amended Pub. L. 112-81, div. B, title XXVIII, § 2821(b)(3), Dec. 31, 2011, 125 Stat. 1691.)

#### AMENDMENTS

2011—Subsec. (d). Pub. L. 112-81 struck out subsec. (d), which defined “hybrid”.

#### REGULATIONS

Pub. L. 111-84, div. B, title XXVIII, § 2844(c), Oct. 28, 2009, 123 Stat. 2682, provided that: “The Secretary of Defense shall prescribe regulations to implement section 2922g of title 10, United States Code, as added by subsection (a), within one year after the date of the enactment of this Act [Oct. 28, 2009].”

### § 2922h. Limitation on procurement of drop-in fuels

(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not make a bulk purchase of a drop-in fuel for operational purposes unless the fully burdened cost of that drop-in fuel is cost-competitive with the fully burdened cost of a traditional fuel available for the same purpose.

(b) WAIVER.—(1) Subject to the requirements of paragraph (2), the Secretary of Defense may waive the limitation under subsection (a) with respect to a purchase.

(2) Not later than 30 days after issuing a waiver under this subsection, the Secretary shall submit to the congressional defense committees notice of the waiver. Any such notice shall include each of the following:

(A) The rationale of the Secretary for issuing the waiver.

(B) A certification that the waiver is in the national security interest of the United States.

(C) The expected fully burdened cost of the purchase for which the waiver is issued.

(c) DEFINITIONS.—In this section:

(1) The term “drop-in fuel” means a neat or blended liquid hydrocarbon fuel designed as a direct replacement for a traditional fuel with comparable performance characteristics and compatible with existing infrastructure and equipment.

(2) The term “traditional fuel” means a liquid hydrocarbon fuel derived or refined from petroleum.

(3) The term “operational purposes”—

(A) means for the purposes of conducting military operations, including training, exercises, large scale demonstrations, and moving and sustaining military forces and military platforms; and

(B) does not include research, development, testing, evaluation, fuel certification, or other demonstrations.

(4) The term “fully burdened cost” means the commodity price of the fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(Added Pub. L. 114-92, div. A, title III, § 311(a), Nov. 25, 2015, 129 Stat. 787.)

### SUBCHAPTER III—GENERAL PROVISIONS

Sec. 2924.	Definitions.
2925.	Annual Department of Defense energy management reports.
2926.	Operational energy activities.

#### AMENDMENTS

2014—Pub. L. 113-291, div. A, title IX, § 901(l)(3), Dec. 19, 2014, 128 Stat. 3468, added item 2926.

2011—Pub. L. 112-81, div. B, title XXVIII, § 2821(a)(2)(B), Dec. 31, 2011, 125 Stat. 1691, added item 2924.

2008—Pub. L. 110-417, [div. A], title III, § 331(b)(2), Oct. 14, 2008, 122 Stat. 4420, added item 2925 and struck out former item 2925 “Annual report”.

### § 2924. Definitions

In this chapter:

(1) The term “defined fuel source” means any of the following:

- (A) Petroleum.
- (B) Natural gas.
- (C) Coal.
- (D) Coke.

(2) The term “energy-efficient maintenance” includes—

(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

- (i) will achieve energy savings over the life-cycle of the equipment or system being repaired; and
- (ii) will meet the same end needs as the equipment or system being repaired; and

(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

(3)(A) The term “energy security” means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.

(B) In selecting facility energy projects that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network. In such cases, projects should be prioritized to provide power for assets critical to mission essential requirements on the installation in the event of a disruption in the commercial grid.

(4) The term “hybrid”, with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—