

demonstration program for using energy efficient refrigeration equipment.

“(2) The Secretary shall designate 50 facilities owned or operated by the Department of Defense for participation in the demonstration program under this subsection.

“(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the refrigeration equipment at the facility in order—

“(A) to identify any potential improvements that would increase the energy efficiency of the refrigeration equipment at that facility; and

“(B) to determine the costs of, and the savings that would result from, such improvements.

“(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of refrigeration equipment at the facility that is more energy efficient than the existing refrigeration equipment to the extent that the conversion is cost effective.

“(d) GENERAL PROVISIONS FOR DEMONSTRATION PROGRAMS.—(1) The Secretary of Defense shall make the designations under subsections (b)(2) and (c)(2) not later than 180 days after the date of the enactment of this Act [Oct. 23, 1992].

“(2) The Secretary of Defense may designate a facility described in subsections (b)(2) and (c)(2) for participation in the demonstration program under subsection (b) and the demonstration program under subsection (c).

“(3) The audits required by subsections (b)(3) and (c)(3) shall be completed not later than January 1, 1994.

“(4) The head of a facility may not carry out a conversion described in subsection (b)(4) or (c)(4) if the conversion prevents the head of the facility from carrying out other improvements relating to energy efficiency that are more cost effective than that conversion.”

§ 2922g. Preference for motor vehicles using electric or hybrid propulsion systems

(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

(1) will meet the requirements or needs of the Department of Defense; and

(2) are commercially available at a cost, including operating cost, reasonably comparable to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

(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.

- Sec.
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) 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—

- (A) an internal combustion or heat engine using combustible fuel; and
- (B) a rechargeable energy storage system.

(4) The term “operational energy” means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

(5) The term “petroleum” means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

(6) The term “renewable energy source” means energy generated from renewable sources, including the following:

- (A) Solar, including electricity.
- (B) Wind.
- (C) Biomass.
- (D) Landfill gas.
- (E) Ocean, including tidal, wave, current, and thermal.
- (F) Geothermal, including electricity and heat pumps.
- (G) Municipal solid waste.
- (H) New hydroelectric generation capacity achieved from increased efficiency or addi-

tions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is “new” if it was placed in service on or after January 1, 1999.

(I) Thermal energy generated by any of the preceding sources.

(Added Pub. L. 112-81, div. B, title XXVIII, §2821(a)(1), Dec. 31, 2011, 125 Stat. 1689; amended Pub. L. 115-91, div. B, title XXVIII, §2831(c)(6), Dec. 12, 2017, 131 Stat. 1858.)

AMENDMENTS

2017—Pars. (3) to (7). Pub. L. 115-91 redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which defined “energy security”.

§ 2925. Annual Department of Defense energy management reports

(a) ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT, ENERGY RESILIENCE, AND MISSION ASSURANCE.—Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title, including progress on energy resilience at military installations according to metrics developed by the Secretary. Each report shall contain the following:

(1) A description of the progress made to achieve the goals of the Energy Policy Act of 2005 (Public Law 109-58), section 2911(g) of this title, section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), the Energy Independence and Security Act of 2007 (Public Law 110-140), and the energy performance goals for the Department of Defense during the preceding fiscal year, including progress on energy resilience at military installations according to metrics developed by the Secretary.

(2) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in paragraph (1).

(3) Details of all utility outages impacting energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number and location of outage, the duration of the outage, the financial impact of the outage, whether or not the mission was impacted, the downtimes (in minutes or hours) these missions can afford based on their mission requirements and risk tolerances, the responsible authority managing the utility, and measure taken to mitigate the outage by the responsible authority.

(4) Details of a military installation’s total energy requirements and critical energy requirements (including critical energy loads in megawatts and the associated downtime tolerances for critical energy loads), and the current energy resilience and emergency backup systems servicing critical energy requirements, including, at a minimum—