

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,¹ 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.

(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

¹ So in original. Probably should be capitalized.

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 applicable 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 interagency 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.

(2) Certified engine configuration

The term “certified engine configuration” means a new, rebuilt, or remanufactured engine configuration—

- (A) that has been certified or verified by—
 - (i) the Administrator; or
 - (ii) the California Air Resources Board;

(B) that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by the Administrator; and

(C) in the case of a certified engine configuration involving the replacement of an existing engine or vehicle, an engine configuration that replaced an engine that was—

- (i) removed from the vehicle; and
- (ii) returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.

(3) Eligible entity

The term “eligible entity” means—

(A) a regional, State, local, or tribal agency or port authority with jurisdiction over transportation or air quality;

(B) a nonprofit organization or institution that—

- (i) represents or provides pollution reduction or educational services to persons or organizations that own or operate diesel fleets; or