

and on an annual basis thereafter, the Administrator shall submit to Congress a report containing—

- (1) an identification of the grant recipients, a description of the projects to be funded and the amount of funding provided; and
- (2) an identification of all other applicants that submitted applications under the program.

(Pub. L. 109–58, title VII, §756, Aug. 8, 2005, 119 Stat. 829.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (b)(1)(A)(i), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

##### CODIFICATION

Section is comprised of section 756 of Pub. L. 109–58. Subsec. (c) of section 756 of Pub. L. 109–58 amended section 127 of Title 23, Highways.

### § 16105. Biodiesel engine testing program

#### (a) In general

Not later than<sup>1</sup> 180 days after August 8, 2005, the Secretary shall initiate a partnership with diesel engine, diesel fuel injection system, and diesel vehicle manufacturers and diesel and biodiesel fuel providers, to include biodiesel testing in advanced diesel engine and fuel system technology.

#### (b) Scope

The program shall provide for testing to determine the impact of biodiesel from different sources on current and future emission control technologies, with emphasis on—

- (1) the impact of biodiesel on emissions warranty, in-use liability, and antitampering provisions;
- (2) the impact of long-term use of biodiesel on engine operations;
- (3) the options for optimizing these technologies for both emissions and performance when switching between biodiesel and diesel fuel; and
- (4) the impact of using biodiesel in these fueling systems and engines when used as a blend with 2006 Environmental Protection Agency-mandated diesel fuel containing a maximum of 15-parts-per-million sulfur content.

#### (c) Report

Not later than 2 years after August 8, 2005, the Secretary shall provide an interim report to Congress on the findings of the program, including a comprehensive analysis of impacts from biodiesel on engine operation for both existing and expected future diesel technologies, and recommendations for ensuring optimal emissions reductions and engine performance with biodiesel.

<sup>1</sup> So in original. Probably should be “than”.

#### (d) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for each of fiscal years 2006 through 2010 to carry out this section.

#### (e) Definition

For purposes of this section, the term “biodiesel” means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of this title and that meets the American Society for Testing and Materials D6751–02a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

(Pub. L. 109–58, title VII, §757, Aug. 8, 2005, 119 Stat. 832.)

### § 16106. Ultra-efficient engine technology for aircraft

#### (a) Ultra-efficient engine technology partnership

The Secretary shall enter into a cooperative agreement with the National Aeronautics and Space Administration for the development of ultra-efficient engine technology for aircraft.

#### (b) Performance objective

The Secretary shall establish the following performance objectives for the program set forth in subsection (a):

- (1) A fuel efficiency increase of at least 10 percent.
- (2) A reduction in the impact of landing and takeoff nitrogen oxides emissions on local air quality of 70 percent.
- (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.

**(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

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