

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 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.

**(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

(ii) has, as its principal purpose, the promotion of transportation or air quality; and

(C) any private individual or entity that—

(i) is the owner of record of a diesel vehicle or fleet operated pursuant to a contract, license, or lease with a Federal department or agency or an entity described in subparagraph (A); and

(ii) meets such timely and appropriate requirements as the Administrator may establish for vehicle use and for notice to and approval by the Federal department or agency or entity described in subparagraph (A) with respect to which the owner has entered into a contract, license, or lease as described in clause (i).

#### (4) Emerging technology

The term “emerging technology” means a technology that is not currently, or has not been previously, certified or verified by the Administrator or the California Air Resources Board but for which an approvable application and test plan has been submitted for verification to the Administrator or the California Air Resources Board.

#### (5) Fleet

The term “fleet” means one or more diesel vehicles or mobile or stationary diesel engines.

#### (6) Heavy-duty truck

The term “heavy-duty truck” has the meaning given the term “heavy duty vehicle” in section 7521 of this title.

#### (7) Medium-duty truck

The term “medium-duty truck” has such meaning as shall be determined by the Administrator, by regulation.

#### (8) State

The term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### (9) Verified technology

The term “verified technology” means a pollution control technology, including a retrofit technology or auxiliary power unit, that has been verified by—

- (A) the Administrator; or
- (B) the California Air Resources Board.

(Pub. L. 109-58, title VII, §791, Aug. 8, 2005, 119 Stat. 838; Pub. L. 110-255, §3(a), June 30, 2008, 122 Stat. 2423; Pub. L. 111-364, §2(a), Jan. 4, 2011, 124 Stat. 4056.)

### Editorial Notes

#### AMENDMENTS

2011—Par. (3)(C). Pub. L. 111-364, §2(a)(1), added subpar. (C).

Par. (4). Pub. L. 111-364, §2(a)(2), inserted “currently, or has not been previously,” after “that is not”.

Par. (8). Pub. L. 111-364, §2(a)(6), added par. (8). Former par. (8) redesignated (9).

Par. (9). Pub. L. 111-364, §2(a)(5), struck out “, advanced truckstop electrification system,” after “retrofit technology” in introductory provisions.

Pub. L. 111-364, §2(a)(4), redesignated par. (8) as (9). Former par. (9) struck out.

Pub. L. 111-364, §2(a)(3), struck out par. (9) which defined “State” to include the District of Columbia.

2008—Par. (9). Pub. L. 110-255 added par. (9).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-364, §4, Jan. 4, 2011, 124 Stat. 4061, provided that:

“(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by section 2 [amending this section and sections 16132 to 16134 and 16137 of this title] shall take effect on October 1, 2011.

“(b) EXCEPTION.—The amendments made by subsections (a)(4) and (6) and (c)(4) of section 2 [amending this section and section 16133 of this title] shall take effect on the date of enactment of this Act [Jan. 4, 2011].”

### § 16132. National grant, rebate, and loan programs

#### (a) In general

The Administrator shall use 70 percent of the funds made available to carry out this part for each fiscal year to provide grants, rebates, or low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities, including through contracts entered into under subsection (e) of this section, to achieve significant reductions in diesel emissions in terms of—

- (1) pollution produced; and
- (2) diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

#### (b) Distribution

##### (1) In general

The Administrator shall distribute funds made available for a fiscal year under this part in accordance with this section.

##### (2) Engine configurations and technologies

##### (A) Certified engine configurations and verified technologies

The Administrator shall provide not less than 95 percent of funds available for a fiscal year under this section to eligible entities for projects using—

- (i) a certified engine configuration; or
- (ii) a verified technology.

##### (B) Emerging technologies

##### (i) In general

The Administrator shall provide not more than 5 percent of funds available for a fiscal year under this section to eligible entities for the development and commercialization of emerging technologies.

##### (ii) Application and test plan

To receive funds under clause (i), a manufacturer, in consultation with an eligible entity, shall submit for verification to the Administrator or the California Air Resources Board a test plan for the emerging technology, together with a verification application.

#### (c) Applications

##### (1) Expedited process

##### (A) In general

The Administrator shall develop a simplified application process for all applicants under this section to expedite the provision of funds.