

Subsec. (a). Pub. L. 103-160, §826(a)(1), (d)(1)(A), inserted heading, inserted “or natural gas” after “petroleum” in introductory provisions, inserted “or natural gas market conditions, as the case may be,” after “petroleum market conditions” and “or acquisition of natural gas, respectively,” after “acquisition of petroleum” in par. (1), and inserted “or natural gas, as the case may be,” after “petroleum” in par. (2).

Subsec. (b). Pub. L. 103-160, §826(a)(2), (d)(1)(B), inserted heading and inserted “or natural gas” after “petroleum” in second sentence.

Subsec. (c). Pub. L. 103-160, §826(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary of Defense may acquire petroleum by exchange of petroleum or petroleum derivatives.”

Subsec. (d). Pub. L. 103-160, §826(c)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 103-160, §826(c)(1), (d)(1)(C), redesignated subsec. (d) as (e) and inserted heading.

1990—Subsecs. (d), (e). Pub. L. 101-510 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: “The Secretary of Defense shall notify the Congress within 10 days of the date on which any waiver is made under this section and of the reasons for the necessity of exercising such waiver.”

1987—Subsec. (e). Pub. L. 100-26 inserted “the term” after “In this section.”.

### § 2922f. Preference for energy efficient electric equipment

(a) In establishing a new requirement for electric equipment referred to in subsection (b) and in procuring electric equipment referred to in that subsection, the Secretary of a military department or the head of a Defense Agency, as the case may be, shall provide a preference for the procurement of the most energy efficient electric equipment available that meets the requirement or the need for the procurement, if providing such a preference is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title and supported by the special considerations specified in subsection (e) of such section.

(b) Subsection (a) applies to the following electric equipment:

- (1) Electric lamps.
- (2) Electric ballasts.
- (3) Electric motors.
- (4) Electric refrigeration equipment.

(Added Pub. L. 102-484, div. A, title III, §384(a)(1)(A), Oct. 23, 1992, 106 Stat. 2392, §2410c; renumbered §2922f and amended Pub. L. 109-364, div. B, title XXVIII, §2851(b)(2), (3)(E), Oct. 17, 2006, 120 Stat. 2494, 2495; Pub. L. 115-91, div. B, title XXVIII, §2831(c)(5), Dec. 12, 2017, 131 Stat. 1858.)

### Editorial Notes

#### AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91 substituted “subsection (e)” for “subsection (c)”.

2006—Pub. L. 109-364, §2851(b)(2), renumbered section 2410c of this title as this section.

Subsec. (a). Pub. L. 109-364, §2851(b)(3)(E), substituted “In” for “When cost effective, in” and “if providing such a preference is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title and supported by the special considerations specified in subsection (c) of such section” for “as the case may be”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-484, div. A, title III, §384(a)(2), Oct. 23, 1992, 106 Stat. 2393, provided that: “The amendments made by paragraph (1) [enacting this section] shall apply to procurements for which solicitations are issued on or after the date that is 120 days after the date of the enactment of this Act [Oct. 23, 1992].”

#### ELECTRIC LIGHTING AND REFRIGERATION EQUIPMENT DEMONSTRATION PROGRAMS

Pub. L. 102-484, div. A, title III, §384(b)-(d), Oct. 23, 1992, 106 Stat. 2393, provided that:

“(b) ELECTRIC LIGHTING DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient electric lighting equipment.

“(2) The Secretary shall designate 50 facilities owned or leased 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 electric lighting equipment at the facility in order—

“(A) to identify any potential improvements that would increase the energy efficiency of electric lighting 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 electric lighting equipment at the facility that is more energy efficient than the existing electric lighting equipment to the extent that the conversion is cost effective.

“(5) Energy efficient electric lighting equipment used under the demonstration program may include compact fluorescent lamps, energy efficient electric ballasts and fixtures, and other energy efficient electric lighting equipment.

“(c) REFRIGERATION EQUIPMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a 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; purchase or lease of certain electric and other vehicles**

(a) PREFERENCE.—During the period preceding October 1, 2035, 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, during the period specified in subsection (a), 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.

(d) REQUIREMENT.—Except as provided in subsection (e), beginning on October 1, 2035, each covered nontactical vehicle purchased or leased by or for the use of the Department of Defense shall be—

(1) an electric or zero emission vehicle that uses a charging connector type (or other means to transmit electricity to the vehicle) that meets applicable industry accepted standards for interoperability and safety;

(2) an advanced-biofuel-powered vehicle; or

(3) a hydrogen-powered vehicle.

(e) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—Notwithstanding the requirement under subsection (d), beginning on October 1, 2035, the Secretary of Defense may authorize the purchase or lease of a covered nontactical vehicle that is not described in such subsection if the Secretary determines, on a case-by-case basis, that—

(1) the technology used in the vehicle to be purchased or leased reduces the consumption of fossil fuels compared to vehicles that use conventional internal combustion technology;

(2) the purchase or lease of such vehicle is consistent with the energy performance goals and plan of the Department of Defense required by section 2911 of this title; and

(3) the purchase or lease of a vehicle described in subsection (d) is impracticable under the circumstances.

(f) WAIVER.—(1) The Secretary of Defense may waive the requirement under subsection (d).

(2) The Secretary of Defense may not delegate the waiver authority under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) The term “advanced-biofuel-powered vehicle” includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(3)(A)).

(2) The term “covered nontactical vehicle” means any vehicle—

(A) that is not a tactical vehicle designed for use in combat; and

(B) that is purchased or leased by the Department of Defense pursuant to a contract entered into, renewed, modified, or amended on or after October 1, 2035.

(3) The term “hydrogen-powered vehicle” means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.

(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; Pub. L. 117-263, div. A, title III, §317(a), Dec. 23, 2022, 136 Stat. 2506; Pub. L. 118-159, div. A, title XVII, §1701(a)(33), Dec. 23, 2024, 138 Stat. 2205.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (g)(1). Pub. L. 118-159 substituted “2002” for “2202”.

2022—Pub. L. 117-263, §317(a)(1), substituted “systems; purchase or lease of certain electric and other vehicles” for “systems” in section catchline.

Subsec. (a). Pub. L. 117-263, §317(a)(2), substituted “During the period preceding October 1, 2035, in leasing” for “In leasing” in introductory provisions.

Subsec. (c). Pub. L. 117-263, §317(a)(3), inserted “, during the period specified in subsection (a),” after “from authorizing”.

Subsecs. (d) to (g). Pub. L. 117-263, §317(a)(4), added subsecs. (d) to (g).

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

#### Statutory Notes and Related Subsidiaries

##### 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].”

REQUIREMENT THAT ELECTRIC VEHICLES, ADVANCED-BIOFUEL-POWERED VEHICLES, OR HYDROGEN-POWERED VEHICLES BE IN COMPLIANCE WITH APPLICABLE REGULATION

Pub. L. 117-263, div. A, title III, §328(c), (d), Dec. 23, 2022, 136 Stat. 2521, provided that:

“(c) ADDITIONAL PROHIBITION.—None of the funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for the Department of Defense may be obligated or expended to procure non-tactical vehicles that are electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles, or any components or spare parts associated with such vehicles, that are not in compliance with subpart 22.15 of the Federal Acquisition Regulation (or any successor regulations).