

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).

“(d) 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 [2002] (7 U.S.C. 8101(3)(A)).

“(2) The term ‘charging station’ means a parking space with electric vehicle supply equipment that supplies electric energy for the recharging of electric vehicles with at least a level two charger.

“(3) The term ‘electric grid requirements’ means the power grid and infrastructure requirements needed to support plug-in electric vehicles and vehicle-to-grid requirements.

“(4) The term ‘electric non-tactical vehicle’ means a non-tactical vehicle that is an electric vehicle.

“(5) The terms ‘electric vehicle’ includes—

“(A) a plug-in hybrid electric vehicle that uses a combination of electric and gas powered engine that can use either gasoline or electricity as a fuel source; and

“(B) a plug-in electric vehicle that runs solely on electricity and does not contain an internal combustion engine or gas tank.

“(6) 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.

“(7) The term ‘non-tactical vehicle’ means a vehicle other than a tactical vehicle.

“(8) The term ‘tactical vehicle’ means a motor vehicle designed to military specification, or a commercial design motor vehicle modified to military specification, to provide direct transportation support of combat or tactical operations, or for the training of personnel for such operations.”

[§ 2922h. Repealed. Pub. L. 118–159, div. A, title III, § 315(a), Dec. 23, 2024, 138 Stat. 1851]

Section, added Pub. L. 114–92, div. A, title III, § 311(a), Nov. 25, 2015, 129 Stat. 787, limited Secretary of Defense’s procurement of drop-in fuels.

§ 2922i. Multiyear contracts: purchase of electricity from renewable energy sources

(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into a contract for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is defined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter into a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case analysis prepared by the Department of Defense, that—

(1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and

(2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section shall be construed to preclude the Department of Defense from using other multiyear contracting authority of the Department to purchase renewable energy.

(Added Pub. L. 110–181, div. A, title VIII, § 828(a), Jan. 28, 2008, 122 Stat. 229, § 2410q; renumbered § 2922i, Pub. L. 116–283, div. A, title XVIII, § 1879(a), Jan. 1, 2021, 134 Stat. 4293.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 2410q of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

§ 2922j. Annual report on purchase of drop-in fuel

(a) IN GENERAL.—Not less frequently than annually, the Secretary of Defense shall submit to Congress a report that, for the year covered by the report—

(1) identifies each instance in which the Secretary purchased drop-in fuel that was not cost-competitive with traditional fuel; and

(2) for each instance identified under paragraph (1), states whether the purchase was based on a military requirement or not.

(b) 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.

(Added Pub. L. 118–159, div. A, title III, § 315(b), Dec. 23, 2024, 138 Stat. 1852.)

SUBCHAPTER III—GENERAL PROVISIONS

Sec.

2924.	Definitions.
2925.	Annual report on energy performance, resilience, and readiness of Department of Defense.
2926.	Operational energy.
2927.	Global bulk fuel management and delivery.
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Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, div. A, title III, §§ 314(b)(2), 319(a), Dec. 23, 2022, 136 Stat. 2505, 2507, added items 2925 and 2928 and struck out former item 2925 “Annual Department of Defense energy management reports”.

2021—Pub. L. 117–81, div. A, title III, § 352(a)(2), Dec. 27, 2021, 135 Stat. 1654, added item 2927.

2019—Pub. L. 116–92, div. A, title III, § 320(c)(2), Dec. 20, 2019, 133 Stat. 1307, which directed amendment of the analysis at the beginning of this chapter by substituting “Operational energy” for “Operational energy activities” in item 2926, was executed in the analysis for this subchapter to reflect the probable intent of Congress.

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”.