

**(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 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 appli-

cable 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.