

TITLE VII—VEHICLES AND FUELS

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1 **TITLE VII—VEHICLES AND**
 2 **FUELS**

3 **Subtitle A—Existing Programs**

4 **SEC. 701. USE OF ALTERNATIVE FUELS BY DUAL-FUELED**
 5 **VEHICLES.**

6 Section 400AA(a)(3) of the Energy Policy and Con-
 7 servation Act (42 U.S.C. 6374(a)(3)) is amended by strik-
 8 ing subparagraph (E) and inserting the following:

9 “(E)(i) Dual fueled vehicles acquired pursuant to this
 10 section shall be operated on alternative fuels unless the
 11 Secretary determines that an agency qualifies for a waiver
 12 of the requirements of this section for vehicles operated
 13 by the agency in a particular geographic area in which—

1 **SEC. 703. INCREMENTAL COST ALLOCATION.**

2 Section 303(c) of the Energy Policy Act of 1992 (42
3 U.S.C. 13212(c)) is amended by striking “may” and in-
4 serting “shall”.

5 **SEC. 704. ALTERNATIVE COMPLIANCE AND FLEXIBILITY.**

6 (a) ALTERNATIVE COMPLIANCE.—Title V of the En-
7 ergy Policy Act of 1992 (42 U.S.C. 13251 et seq.) is
8 amended—

9 (1) by redesignating section 514 (42 U.S.C.
10 13264) as section 515; and

11 (2) by inserting after section 513 (42 U.S.C.
12 13263) the following:

13 **“SEC. 514. ALTERNATIVE COMPLIANCE.**

14 “(a) APPLICATION FOR WAIVER.—Any covered per-
15 son subject to section 501 and any State subject to section
16 507(o) may petition the Secretary for a waiver of the ap-
17 plicable requirements of section 501 or 507(o).

18 “(b) GRANT OF WAIVER.—The Secretary may grant
19 a waiver of the requirements of section 501 or 507(o) on
20 a showing that the fleet owned, operated, leased, or other-
21 wise controlled by the State or covered person—

22 “(1) will achieve a reduction in the annual con-
23 sumption of petroleum fuels by the fleet equal to—

24 “(A) the reduction in consumption of pe-
25 troleum that would result from 100 percent

1 compliance with the fuel use requirements of
2 section 501; or

3 “(B) in the case of an entity covered under
4 section 507(o), a reduction equal to the con-
5 sumption by the State entity of alternative fuels
6 if all of the alternative fuel vehicles of the State
7 entity given credit under section 508 were to
8 use alternative fuel 100 percent of the time;
9 and

10 “(2) is in compliance with all applicable vehicle
11 emission standards established by the Administrator
12 of the Environmental Protection Agency under the
13 Clean Air Act (42 U.S.C. 7401 et seq.).

14 “(c) REVOCATION OF WAIVER.—The Secretary shall
15 revoke any waiver granted under this section if the State
16 or covered person fails to comply with subsection (b).”.

17 (b) TABLE OF CONTENTS AMENDMENT.—The table
18 of contents of the Energy Policy Act of 1992 (42 U.S.C.
19 prec. 13201) is amended by striking the item relating to
20 section 514 and inserting the following:

“Sec. 514. Alternative compliance.

“Sec. 515. Authorization of appropriations.”.

1 **SEC. 705. REPORT CONCERNING COMPLIANCE WITH AL-**
2 **TERNATIVE FUELED VEHICLE PURCHASING**
3 **REQUIREMENTS.**

4 Section 310(b)(1) of the Energy Policy Act of 1992
5 (42 U.S.C. 13218(b)(1)) is amended by striking “1 year
6 after the date of enactment of this subsection” and insert-
7 ing “February 15, 2006”.

8 **Subtitle B—Automobile Efficiency**

9 **SEC. 711. AUTHORIZATION OF APPROPRIATIONS FOR IM-**
10 **PLEMENTATION AND ENFORCEMENT OF**
11 **FUEL ECONOMY STANDARDS.**

12 In addition to any other funds authorized by law,
13 there is authorized to be appropriated to the National
14 Highway Traffic Safety Administration to carry out its ob-
15 ligations with respect to average fuel economy standards
16 \$2,000,000 for each of fiscal years 2006 through 2010.

17 **Subtitle C—Miscellaneous**

18 **SEC. 721. RAILROAD EFFICIENCY.**

19 (a) ESTABLISHMENT.—The Secretary shall (in co-
20 operation with the Secretary of Transportation and the
21 Administrator of the Environmental Protection Agency)
22 establish a cost-shared, public-private research partner-
23 ship involving the Federal Government, railroad carriers,
24 locomotive manufacturers and equipment suppliers, and
25 the Association of American Railroads, to develop and
26 demonstrate railroad locomotive technologies that increase

1 fuel economy, reduce emissions, and lower costs of oper-
2 ation.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary to carry
5 out this section—

6 (1) \$25,000,000 for fiscal year 2006;

7 (2) \$35,000,000 for fiscal year 2007; and

8 (3) \$50,000,000 for fiscal year 2008.

9 **SEC. 722. CONSERVE BY BICYCLING PROGRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) PROGRAM.—The term “program” means
12 the Conserve by Bicycling Program established by
13 subsection (b).

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

16 (b) ESTABLISHMENT.—There is established within
17 the Department of Transportation a program to be known
18 as the “Conserve by Bicycling Program”.

19 (c) PROJECTS.—

20 (1) IN GENERAL.—In carrying out the program,
21 the Secretary shall establish not more than 10 pilot
22 projects that are—

23 (A) dispersed geographically throughout
24 the United States; and

1 (B) designed to conserve energy resources
2 by encouraging the use of bicycles in place of
3 motor vehicles.

4 (2) REQUIREMENTS.—A pilot project described
5 in paragraph (1) shall—

6 (A) use education and marketing to con-
7 vert motor vehicle trips to bicycle trips;

8 (B) document project results and energy
9 savings (in estimated units of energy con-
10 served);

11 (C) facilitate partnerships among inter-
12 ested parties in at least 2 of the fields of—

13 (i) transportation;

14 (ii) law enforcement;

15 (iii) education;

16 (iv) public health;

17 (v) environment; and

18 (vi) energy;

19 (D) maximize bicycle facility investments;

20 (E) demonstrate methods that may be
21 used in other regions of the United States; and

22 (F) facilitate the continuation of ongoing
23 programs that are sustained by local resources.

1 (3) COST SHARING.—At least 20 percent of the
2 cost of each pilot project described in paragraph (1)
3 shall be provided from non-Federal sources.

4 (d) ENERGY AND BICYCLING RESEARCH STUDY.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this Act, the Secretary
7 shall enter into a contract with the National Acad-
8 emy of Sciences for, and the National Academy of
9 Sciences shall conduct and submit to Congress a re-
10 port on, a study on the feasibility of converting
11 motor vehicle trips to bicycle trips.

12 (2) COMPONENTS.—The study shall—

13 (A) document the results or progress of
14 the pilot projects under subsection (c);

15 (B) determine the type and duration of
16 motor vehicle trips that people in the United
17 States may feasibly make by bicycle, taking into
18 consideration factors such as—

19 (i) weather;

20 (ii) land use and traffic patterns;

21 (iii) the carrying capacity of bicycles;

22 and

23 (iv) bicycle infrastructure;

1 (C) determine any energy savings that
2 would result from the conversion of motor vehi-
3 cle trips to bicycle trips;

4 (D) include a cost-benefit analysis of bicy-
5 cle infrastructure investments; and

6 (E) include a description of any factors
7 that would encourage more motor vehicle trips
8 to be replaced with bicycle trips.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Secretary to carry
11 out this section \$6,200,000, to remain available until ex-
12 pended, of which—

13 (1) \$5,150,000 shall be used to carry out pilot
14 projects described in subsection (c);

15 (2) \$300,000 shall be used by the Secretary to
16 coordinate, publicize, and disseminate the results of
17 the program; and

18 (3) \$750,000 shall be used to carry out sub-
19 section (d).

20 **SEC. 723. REDUCTION OF ENGINE IDLING OF HEAVY-DUTY**
21 **VEHICLES.**

22 (a) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (2) ADVANCED TRUCK STOP ELECTRIFICATION
2 SYSTEM.—The term “advanced truck stop elec-
3 trification system” means a stationary system that
4 delivers heat, air conditioning, electricity, and com-
5 munications, and is capable of providing verifiable
6 and auditable evidence of use of those services, to a
7 heavy-duty vehicle and any occupants of the heavy-
8 duty vehicle without relying on components mounted
9 onboard the heavy-duty vehicle for delivery of those
10 services.

11 (3) AUXILIARY POWER UNIT.—The term “auxil-
12 iary power unit” means an integrated system that—

13 (A) provides heat, air conditioning, engine
14 warming, and electricity to the factory-installed
15 components on a heavy-duty vehicle as if the
16 main drive engine of the heavy-duty vehicle
17 were running; and

18 (B) is certified by the Administrator under
19 part 89 of title 40, Code of Federal Regulations
20 (or any successor regulation), as meeting appli-
21 cable emission standards.

22 (4) HEAVY-DUTY VEHICLE.—The term “heavy-
23 duty vehicle” means a vehicle that—

24 (A) has a gross vehicle weight rating great-
25 er than 12,500 pounds; and

1 (B) is powered by a diesel engine.

2 (5) IDLE REDUCTION TECHNOLOGY.—The term
3 “idle reduction technology” means an advanced
4 truck stop electrification system, auxiliary power
5 unit, or other device or system of devices that—

6 (A) is used to reduce long-duration idling
7 of a heavy-duty vehicle; and

8 (B) allows for the main drive engine or
9 auxiliary refrigeration engine of a heavy-duty
10 vehicle to be shut down.

11 (6) LONG-DURATION IDLING.—

12 (A) IN GENERAL.—The term “long-dura-
13 tion idling” means the operation of a main
14 drive engine or auxiliary refrigeration engine of
15 a heavy-duty vehicle, for a period greater than
16 15 consecutive minutes, at a time at which the
17 main drive engine is not engaged in gear.

18 (B) EXCLUSIONS.—The term “long-dura-
19 tion idling” does not include the operation of a
20 main drive engine or auxiliary refrigeration en-
21 gine of a heavy-duty vehicle during a routine
22 stoppage associated with traffic movement or
23 congestion.

24 (b) IDLE REDUCTION TECHNOLOGY BENEFITS, PRO-
25 GRAMS, AND STUDIES.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Administrator
3 shall—

4 (A)(i) commence a review of the mobile
5 source air emission models of the Environ-
6 mental Protection Agency used under the Clean
7 Air Act (42 U.S.C. 7401 et seq.) to determine
8 whether the models accurately reflect the emis-
9 sions resulting from long-duration idling of
10 heavy-duty vehicles and other vehicles and en-
11 gines; and

12 (ii) update those models as the Adminis-
13 trator determines to be appropriate; and

14 (B)(i) commence a review of the emission
15 reductions achieved by the use of idle reduction
16 technology; and

17 (ii) complete such revisions of the regula-
18 tions and guidance of the Environmental Pro-
19 tection Agency as the Administrator determines
20 to be appropriate.

21 (2) DEADLINE FOR COMPLETION.—Not later
22 than 180 days after the date of enactment of this
23 Act, the Administrator shall—

24 (A) complete the reviews under subpara-
25 graphs (A)(i) and (B)(i) of paragraph (1); and

1 (B) prepare and make publicly available 1
2 or more reports on the results of the reviews.

3 (3) DISCRETIONARY INCLUSIONS.—The reviews
4 under subparagraphs (A)(i) and (B)(i) of paragraph
5 (1) and the reports under paragraph (2)(B) may ad-
6 dress the potential fuel savings resulting from use of
7 idle reduction technology.

8 (4) IDLE REDUCTION DEPLOYMENT PRO-
9 GRAM.—

10 (A) ESTABLISHMENT.—

11 (i) IN GENERAL.—Not later than 90
12 days after the date of enactment of this
13 Act, the Administrator, in consultation
14 with the Secretary of Transportation, shall
15 establish a program to support deployment
16 of idle reduction technology.

17 (ii) PRIORITY.—The Administrator
18 shall give priority to the deployment of idle
19 reduction technology based on beneficial ef-
20 fects on air quality and ability to lessen
21 the emission of criteria air pollutants.

22 (B) FUNDING.—

23 (i) AUTHORIZATION OF APPROPRIA-
24 TIONS.—There are authorized to be appro-

14

1 priated to the Administrator to carry out
2 subparagraph (A)—

3 (I) \$19,500,000 for fiscal year
4 2006;

5 (II) \$30,000,000 for fiscal year
6 2007; and

7 (III) \$45,000,000 for fiscal year
8 2008.

9 (ii) COST SHARING.—Subject to clause
10 (iii), the Administrator shall require at
11 least 50 percent of the costs directly and
12 specifically related to any project under
13 this section to be provided from non-Fed-
14 eral sources.

15 (iii) NECESSARY AND APPROPRIATE
16 REDUCTIONS.—The Administrator may re-
17 duce the non-Federal requirement under
18 clause (ii) if the Administrator determines
19 that the reduction is necessary and appro-
20 priate to meet the objectives of this sec-
21 tion.

22 (5) IDLING LOCATION STUDY.—

23 (A) IN GENERAL.—Not later than 90 days
24 after the date of enactment of this Act, the Ad-
25 ministrator, in consultation with the Secretary

1 of Transportation, shall commence a study to
2 analyze all locations at which heavy-duty vehi-
3 cles stop for long-duration idling, including—

- 4 (i) truck stops;
- 5 (ii) rest areas;
- 6 (iii) border crossings;
- 7 (iv) ports;
- 8 (v) transfer facilities; and
- 9 (vi) private terminals.

10 (B) DEADLINE FOR COMPLETION.—Not
11 later than 180 days after the date of enactment
12 of this Act, the Administrator shall—

- 13 (i) complete the study under subpara-
14 graph (A); and
- 15 (ii) prepare and make publicly avail-
16 able 1 or more reports of the results of the
17 study.

18 (c) VEHICLE WEIGHT EXEMPTION.—Section 127(a)
19 of title 23, United States Code, is amended—

20 (1) by designating the first through eleventh
21 sentences as paragraphs (1) through (11), respec-
22 tively; and

23 (2) by adding at the end the following:

24 “(12) HEAVY DUTY VEHICLES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graphs (B) and (C), in order to promote reduc-
3 tion of fuel use and emissions because of engine
4 idling, the maximum gross vehicle weight limit
5 and the axle weight limit for any heavy-duty ve-
6 hicle equipped with an idle reduction technology
7 shall be increased by a quantity necessary to
8 compensate for the additional weight of the idle
9 reduction system.

10 “(B) MAXIMUM WEIGHT INCREASE.—The
11 weight increase under subparagraph (A) shall
12 be not greater than 250 pounds.

13 “(C) PROOF.—On request by a regulatory
14 agency or law enforcement agency, the vehicle
15 operator shall provide proof (through dem-
16 onstration or certification) that—

17 “(i) the idle reduction technology is
18 fully functional at all times; and

19 “(ii) the 250-pound gross weight in-
20 crease is not used for any purpose other
21 than the use of idle reduction technology
22 described in subparagraph (A).”.

1 **SEC. 724. BIODIESEL ENGINE TESTING PROJECT.**

2 (a) DEFINITION OF BIODIESEL.—In this section, the
3 term “biodiesel” means a diesel fuel substitute produced
4 from nonpetroleum renewable resources that meets—

5 (1) the registration requirements for fuels and
6 fuel additives established under section 211 of the
7 Clean Air Act (42 U.S.C. 7545); and

8 (2) the American Society for Testing and Mate-
9 rials Standard D6751–02a “Standard Specification
10 for Biodiesel Fuel (B100) Blend Stock for Distillate
11 Fuels”.

12 (b) PROGRAM.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary shall initiate
14 a project, in partnership with diesel engine, diesel fuel in-
15 jection system, and diesel vehicle manufacturers and diesel
16 and biodiesel fuel providers, to provide biodiesel testing
17 in advanced diesel engine and fuel system technology.

18 (c) SCOPE.—The project shall provide for testing to
19 determine the impact of biodiesel on current and future
20 emission control technologies, with emphasis on—

21 (1) the impact of biodiesel on emissions war-
22 ranty, in-use liability, and anti-tampering provisions;

23 (2) the impact of long-term use of biodiesel on
24 engine operations;

1 (3) the options for optimizing those technologies
2 for both emissions and performance when switching
3 between biodiesel and diesel fuel; and

4 (4) the impact of using biodiesel in those fuel-
5 ing systems and engines when used as a blend with
6 diesel fuel containing a maximum of 15-parts-per-
7 million sulfur content, as mandated by the Adminis-
8 trator of the Environmental Protection Agency dur-
9 ing 2006.

10 (d) REPORT.—Not later than 2 years after the date
11 of enactment of this Act, the Secretary shall submit to
12 Congress a report on the results of the project,
13 including—

14 (1) a comprehensive analysis of impacts from
15 biodiesel on engine operation for both existing and
16 expected future diesel technologies; and

17 (2) recommendations for ensuring optimal emis-
18 sions reductions and engine performance with bio-
19 diesel.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$5,000,000 for each of fiscal years 2006 through 2008.

1 **Subtitle D—Federal and State**
2 **Procurement**

3 **SEC. 731. DEFINITIONS.**

4 In this subtitle:

5 (1) DEPARTMENT.—The term “Department”
6 means the Department of Energy.

7 (2) FUEL CELL.—The term “fuel cell” means a
8 device that directly converts the chemical energy of
9 a fuel and an oxidant into electricity by electro-
10 chemical processes occurring at separate electrodes
11 in the device.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Energy.

14 (4) STATIONARY; PORTABLE.—The terms “sta-
15 tionary” and “portable”, when used in reference to
16 a fuel cell, include—

17 (A) continuous electric power; and

18 (B) backup electric power.

19 (5) TASK FORCE.—The term “Task Force”
20 means the Hydrogen and Fuel Cell Technical Task
21 Force established under section 102(a) of the Spark
22 M. Matsunaga Hydrogen Research, Development,
23 and Demonstration Act of 1990 (as amended by sec-
24 tion 801).

1 (6) TECHNICAL ADVISORY COMMITTEE.—The
2 term “Technical Advisory Committee” means the
3 independent Technical Advisory Committee selected
4 under section 102(d) of the Spark M. Matsunaga
5 Hydrogen Research, Development, and Demonstra-
6 tion Act of 1990 (as added by section 801).

7 **SEC. 732. FEDERAL AND STATE PROCUREMENT OF FUEL**
8 **CELL VEHICLES AND HYDROGEN ENERGY**
9 **SYSTEMS.**

10 (a) PURPOSES.—The purposes of this section are—

11 (1) to stimulate acceptance by the market of
12 fuel cell vehicles and hydrogen energy systems;

13 (2) to support development of technologies re-
14 lating to fuel cell vehicles, public refueling stations,
15 and hydrogen energy systems; and

16 (3) to require the Federal government, which is
17 the largest single user of energy in the United
18 States, to adopt those technologies as soon as prac-
19 ticable after the technologies are developed, in con-
20 junction with private industry partners.

21 (b) FEDERAL LEASES AND PURCHASES.—

22 (1) REQUIREMENT.—

23 (A) IN GENERAL.—Not later than January
24 1, 2010, the head of any Federal agency that
25 uses a light-duty or heavy-duty vehicle fleet

1 shall lease or purchase fuel cell vehicles and hy-
2 drogen energy systems to meet any applicable
3 energy savings goal described in subsection (c).

4 (B) LEARNING DEMONSTRATION VEHI-
5 CLES.—The Secretary may lease or purchase
6 appropriate vehicles developed under section
7 **[201]** of the Spark M. Matsunaga Hydrogen
8 Research, Development, and Demonstration Act
9 of 1990 (as added by section 801) to meet the
10 requirement in subparagraph (A).

11 (2) COSTS OF LEASES AND PURCHASES.—

12 (A) IN GENERAL.—The Secretary, in co-
13 operation with the Task Force and the Tech-
14 nical Advisory Committee, shall pay to Federal
15 agencies (or share the cost under interagency
16 agreements) the difference in cost between—

17 (i) the cost to the agencies of leasing
18 or purchasing fuel cell vehicles and hydro-
19 gen energy systems under paragraph (1);
20 and

21 (ii) the cost to the agencies of a fea-
22 sible alternative to leasing or purchasing
23 fuel cell vehicles and hydrogen energy sys-
24 tems, as determined by the Secretary.

1 (B) COMPETITIVE COSTS AND MANAGE-
2 MENT STRUCTURES.—In carrying out subpara-
3 graph (A), the Secretary, in consultation with
4 the agency, may use the General Services Ad-
5 ministration or any commercial vendor to
6 ensure—

7 (i) a cost-effective purchase of a fuel
8 cell vehicle or hydrogen energy system; or
9 (ii) a cost-effective management struc-
10 ture of the lease of a fuel cell vehicle or hy-
11 drogen energy system.

12 (3) EXCEPTION.—

13 (A) IN GENERAL.—If the Secretary deter-
14 mines that the head of an agency described in
15 paragraph (1) cannot find an appropriately effi-
16 cient and reliable fuel cell vehicle or hydrogen
17 energy system in accordance with paragraph
18 (1), that agency shall be excepted from compli-
19 ance with paragraph (1).

20 (B) CONSIDERATION.—In making a deter-
21 mination under subparagraph (A), the Sec-
22 retary shall consider—

23 (i) the needs of the agency; and
24 (ii) an evaluation performed by—

25 (I) the Task Force; or

1 (II) the Technical Advisory Com-
2 mittee.

3 (c) ENERGY SAVINGS GOALS.—

4 (1) IN GENERAL.—

5 (A) REGULATIONS.—Not later than De-
6 cember 31, 2006, the Secretary shall—

7 (i) in cooperation with the Task
8 Force, promulgate regulations for the pe-
9 riod of 2008 through 2010 that extend and
10 augment energy savings goals for each
11 Federal agency, in accordance with any
12 Executive order issued after March 2000;
13 and

14 (ii) promulgate regulations to expand
15 the minimum Federal fleet requirement
16 and credit allowances for fuel cell vehicle
17 systems under section 303 of the Energy
18 Policy Act of 1992 (42 U.S.C. 13212).

19 (B) REVIEW, EVALUATION, AND NEW REG-
20 ULATIONS.—Not later than December 31,
21 2010, the Secretary shall—

22 (i) review the regulations promulgated
23 under subparagraph (A);

1 (ii) evaluate any progress made to-
2 ward achieving energy savings by Federal
3 agencies; and

4 (iii) promulgate new regulations for
5 the period of 2011 through 2015 to
6 achieve additional energy savings by Fed-
7 eral agencies relating to technical and cost-
8 performance standards.

9 (2) OFFSETTING ENERGY SAVINGS GOALS.—An
10 agency that leases or purchases a fuel cell vehicle or
11 hydrogen energy system in accordance with sub-
12 section (b)(1) may use that lease or purchase to
13 count toward an energy savings goal of the agency.

14 (d) COOPERATIVE PROGRAM WITH STATE AGEN-
15 CIES.—

16 (1) IN GENERAL.—The Secretary may establish
17 a cooperative program with State agencies managing
18 motor vehicle fleets to encourage purchase of fuel
19 cell vehicles by the agencies.

20 (2) INCENTIVES.—In carrying out the coopera-
21 tive program, the Secretary may offer incentive pay-
22 ments to a State agency to assist with the cost of
23 planning, differential purchases, and administration.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section—

- 1 (1) \$15,000,000 for fiscal year 2008;
- 2 (2) \$25,000,000 for fiscal year 2009;
- 3 (3) \$65,000,000 for fiscal year 2010; and
- 4 (4) such sums as are necessary for each of fis-
- 5 cal years 2011 through 2015.

6 **SEC. 733. FEDERAL PROCUREMENT OF STATIONARY, PORT-**
7 **ABLE, AND MICRO FUEL CELLS.**

8 (a) PURPOSES.—The purposes of this section are—

- 9 (1) to stimulate acceptance by the market of
- 10 stationary, portable, and micro fuel cells; and
- 11 (2) to support development of technologies re-
- 12 lating to stationary, portable, and micro fuel cells.

13 (b) FEDERAL LEASES AND PURCHASES.—

- 14 (1) IN GENERAL.—Not later than January 1,
- 15 2006, the head of any Federal agency that uses elec-
- 16 trical power from stationary, portable, or microport-
- 17 able devices shall lease or purchase a stationary,
- 18 portable, or micro fuel cell to meet any applicable
- 19 energy savings goal described in subsection (c).

20 (2) COSTS OF LEASES AND PURCHASES.—

- 21 (A) IN GENERAL.—The Secretary, in co-
- 22 operation with the Task Force and the Tech-
- 23 nical Advisory Committee, shall pay the cost to
- 24 Federal agencies (or share the cost under inter-
- 25 agency agreements) of leasing or purchasing

1 stationary, portable, and micro fuel cells under
2 paragraph (1).

3 (B) COMPETITIVE COSTS AND MANAGE-
4 MENT STRUCTURES.—In carrying out subpara-
5 graph (A), the Secretary, in consultation with
6 the agency, may use the General Services Ad-
7 ministration or any commercial vendor to
8 ensure—

9 (i) a cost-effective purchase of a sta-
10 tionary, portable, or micro fuel cell; or

11 (ii) a cost-effective management struc-
12 ture of the lease of a stationary, portable,
13 or micro fuel cell.

14 (3) EXCEPTION.—

15 (A) IN GENERAL.—If the Secretary deter-
16 mines that the head of an agency described in
17 paragraph (1) cannot find an appropriately effi-
18 cient and reliable stationary, portable, or micro
19 fuel cell in accordance with paragraph (1), that
20 agency shall be excepted from compliance with
21 paragraph (1).

22 (B) CONSIDERATION.—In making a deter-
23 mination under subparagraph (A), the Sec-
24 retary shall consider—

25 (i) the needs of the agency; and

- 1 (ii) an evaluation performed by—
2 (I) the Task Force; or
3 (II) the Technical Advisory Com-
4 mittee of the Task Force.

5 (c) ENERGY SAVINGS GOALS.—An agency that leases
6 or purchases a stationary, portable, or micro fuel cell in
7 accordance with subsection (b)(1) may use that lease or
8 purchase to count toward an energy savings goal described
9 in section 732(c)(1) that is applicable to the agency.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section—

- 12 (1) \$20,000,000 for fiscal year 2006;
13 (2) \$50,000,000 for fiscal year 2007;
14 (3) \$75,000,000 for fiscal year 2008;
15 (4) \$100,000,000 for fiscal year 2009;
16 (5) \$100,000,000 for fiscal year 2010; and
17 (6) such sums as are necessary for each of fis-
18 cal years 2011 through 2015.