

112TH CONGRESS
1ST SESSION

H. R. 2266

To amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2011

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Department of Defense Energy Security Act of 2011”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Congressional defense committees defined.
- Sec. 3. Sense of Congress on Department of Defense energy savings initiatives.
- Sec. 4. Waiver authority.

TITLE I—OPERATIONAL ENERGY SECURITY

- Sec. 101. Joint contingency base resource pilot project.
- Sec. 102. Research and development activities to incorporate hybrid-drive technology into current and future tactical fleet of military ground vehicles.
- Sec. 103. Conversion of Department of Defense fleet of non-tactical motor vehicles to electric and hybrid motor vehicles.
- Sec. 104. Ten-year extension of authorized initial term of contracts for storage, handling or distribution of liquid fuels and natural gas.
- Sec. 105. Establishment of Department of Defense Joint Task Force for Alternative Fuel Development.

TITLE II—INSTALLATION ENERGY SECURITY

- Sec. 201. Funding for Installation Energy Test Bed.
- Sec. 202. Funding for energy conservation projects.
- Sec. 203. Report on energy-efficiency standards.
- Sec. 204. Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.
- Sec. 205. Core curriculum and certification standards for Department of Defense energy managers.
- Sec. 206. Requirement for Department of Defense to capture and track data generated in metering department facilities.
- Sec. 207. Establishment of milestones for achieving Department of Defense 2025 renewable energy goal.
- Sec. 208. Development of renewable energy sources on military lands.
- Sec. 209. Development of renewable energy on military installations.
- Sec. 210. Report on cross-agency renewable energy development efforts.
- Sec. 211. Elimination of approval requirement for long-term contracts for energy or fuel for military installations.
- Sec. 212. Consideration of energy security in developing energy projects on military installations using renewable energy sources.
- Sec. 213. Study on installation energy security and societal impacts.

1 **SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2 In this Act, the term “congressional defense commit-
3 tees” means the Committees on Armed Services and Ap-
4 propriations of the Senate and the House of Representa-
5 tives.

6 **SEC. 3. SENSE OF CONGRESS ON DEPARTMENT OF DE-** 7 **FENSE ENERGY SAVINGS INITIATIVES.**

8 It is the sense of Congress that—

- 9 (1) the Department of Defense should develop,
10 test, field, and maintain operationally effective tech-

1 nologies that reduce the energy needs of forward-de-
2 ployed forces;

3 (2) the Secretary of Defense should ensure the
4 energy security of Department of Defense facilities;

5 (3) the Assistant Secretary of Defense for
6 Operational Energy Plans and Programs and the
7 Deputy Under Secretary of Defense for Installations
8 and Environment should act in concert to implement
9 strategies and coordinate activities across the serv-
10 ices to meet Department-wide and service energy
11 goals, including service initiatives such as the Navy's
12 Great Green Fleet, the Air Force's alternative fuel
13 certification program, the Army's Net Zero installa-
14 tion pilot program, and the Marine Corps experi-
15 mental forward operating base project; and

16 (4) in general, the Department of Defense
17 should aggressively pursue opportunities to save en-
18 ergy, reduce energy-related costs, decrease reliance
19 on foreign oil, decrease the energy-related logistics
20 burden for deployed forces, ensure the long-term
21 sustainability of military installations, and strength-
22 en United States energy security.

23 **SEC. 4. WAIVER AUTHORITY.**

24 (a) IN GENERAL.—The Secretary of Defense may
25 waive the implementation or operation of a provision of

1 this Act or an amendment made by this Act if the Sec-
2 retary certifies to Congress that implementation or contin-
3 ued operation of such provision would adversely impact the
4 national security of the United States.

5 (b) INTELLIGENCE ACTIVITY WAIVER.—The Direc-
6 tor of National Intelligence may, in consultation with the
7 Secretary of Defense, exempt an intelligence activity of the
8 United States, and related personnel, resources, and facili-
9 ties, from a provision of this Act or an amendment made
10 by this Act to the extent the Director and Secretary deter-
11 mine necessary to protect intelligence sources and methods
12 from unauthorized disclosure.

13 **TITLE I—OPERATIONAL ENERGY** 14 **SECURITY**

15 **SEC. 101. JOINT CONTINGENCY BASE RESOURCE PILOT** 16 **PROJECT.**

17 (a) PILOT PROJECT AUTHORIZED.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall, in consultation with the Secretary of Energy,
20 as appropriate, carry out a pilot project to assess the
21 feasibility and advisability of various joint and multi-
22 service mechanisms to decrease energy usage by de-
23 ployed military units, including by minimizing at for-
24 ward operating bases the production of waste water,
25 consumption of drinking water, energy, and mate-

1 rials, and reducing impacts on habitat and perimeter
2 security and by maximizing capacity and effective-
3 ness at such bases while promoting operational inde-
4 pendence from supply lines and minimizing the re-
5 source footprint. The Secretary of Defense shall des-
6 ignate a lead officer for the pilot project.

7 (2) MECHANISMS TO BE ASSESSED.—The
8 mechanisms assessed under the pilot project shall in-
9 clude new energy and energy-efficiency technologies
10 and such other systems, components, and tech-
11 nologies as the Secretary shall identify for purposes
12 of the pilot project.

13 (3) UTILIZATION OF SMALL BUSINESS.—In car-
14 rying out the pilot project, the Secretary shall, to
15 the extent practicable, seek to work with small busi-
16 nesses through small-scale procurement of systems,
17 components, and technologies described in para-
18 graph (2).

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated for fiscal year 2012
21 \$4,000,000 to carry out the pilot project authorized by
22 subsection (a).

1 **SEC. 102. RESEARCH AND DEVELOPMENT ACTIVITIES TO**
2 **INCORPORATE HYBRID-DRIVE TECHNOLOGY**
3 **INTO CURRENT AND FUTURE TACTICAL**
4 **FLEET OF MILITARY GROUND VEHICLES.**

5 (a) IDENTIFICATION OF USABLE HYBRID-DRIVE
6 TECHNOLOGY.—Not later than one year after the date of
7 the enactment of this Act, the Secretary of Defense, in
8 consultation with the Secretaries of the military depart-
9 ments and the Secretary of Energy, as appropriate, shall
10 submit to Congress a report identifying hybrid-drive tech-
11 nologies suitable for incorporation into the next reset and
12 recap of motor vehicles of the current tactical fleet of the
13 military services. In identifying suitable hybrid-drive tech-
14 nologies, the Secretary shall consider the feasibility and
15 costs and benefits of incorporating a hybrid-drive tech-
16 nology into each type and variant of vehicle, including fuel
17 savings, and the design changes and amount of time re-
18 quired for incorporation.

19 (b) HYBRID-DRIVE TECHNOLOGY DEFINED.—In this
20 section, the term “hybrid-drive technology” means a pro-
21 pulsion system, including the engine and drive train, that
22 draws energy from onboard sources of stored energy that
23 involve—

24 (1) an internal combustion or heat engine using
25 combustible fuel; and

26 (2) a rechargeable energy storage system.

1 **SEC. 103. CONVERSION OF DEPARTMENT OF DEFENSE**
2 **FLEET OF NON-TACTICAL MOTOR VEHICLES**
3 **TO ELECTRIC AND HYBRID MOTOR VEHI-**
4 **CLES.**

5 (a) CONVERSION REQUIRED.—

6 (1) IN GENERAL.—Subchapter II of chapter
7 173 of title 10, United States Code, is amended by
8 inserting after section 2922c the following new sec-
9 tion:

10 **“§ 2922c–1. Conversion of Department of Defense non-**
11 **tactical motor vehicle fleet to motor vehi-**
12 **cles using electric or hybrid propulsion**
13 **systems**

14 “(a) DEADLINE FOR CONVERSION.—Beginning on
15 October 1, 2017, the Secretary of Defense, the Secretary
16 of a military department, or the head of a Defense Agency
17 may not procure non-tactical motor vehicles or buses un-
18 less such vehicles use—

19 “(1) electric propulsion;

20 “(2) hybrid propulsion; or

21 “(3) an alternative propulsion system sufficient
22 to make such non-tactical motor vehicles and buses
23 meet or exceed applicable Corporate Average Fuel
24 Economy standards.

25 “(b) PREFERENCE.—In procuring motor vehicles for
26 use by a military department or defense agency after the

1 date of the enactment of this section, the Secretary con-
2 cerned or the head of the defense agency shall provide a
3 preference for the procurement of non-tactical motor vehi-
4 cles with a propulsion system described in paragraph (1),
5 (2), or (3) of subsection (a), including plug-in hybrid sys-
6 tems, if the motor vehicles—

7 “(1) will meet the requirement or the need for
8 the procurement; and

9 “(2) are commercially available at a cost rea-
10 sonably comparable, on the basis of life-cycle cost, to
11 motor vehicles containing only an internal combus-
12 tion or heat engine using combustible fuel.

13 “(c) WAIVER AUTHORITY.—The Secretary of De-
14 fense may waive the prohibitions under subsection (a) with
15 respect to a class of non-tactical vehicles if the Secretary
16 determines that there is a lack of commercial availability
17 for the class of vehicles or if the acquisition of such vehi-
18 cles is cost prohibitive.

19 “(d) HYBRID DEFINED.—In this section, the term
20 ‘hybrid’, with respect to a motor vehicle, means a motor
21 vehicle that draws propulsion energy from onboard sources
22 of stored energy that are both—

23 “(1) an internal combustion or heat engine
24 using combustible fuel; and

25 “(2) a rechargeable energy storage system.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such subchapter is amend-
3 ed by inserting after the item relating to section
4 2922c the following new item:

“2922c–1. Conversion of Department of Defense non-tactical motor vehicle fleet
to motor vehicles using electric or hybrid propulsion systems.”.

5 (b) APPLICABILITY.—The prohibition under section
6 2922c–1(a) of title 10, United States Code, as added by
7 subsection (a), does not apply to contracts for the procure-
8 ment of non-tactical vehicles entered into before the date
9 of the enactment of this Act.

10 **SEC. 104. TEN-YEAR EXTENSION OF AUTHORIZED INITIAL**
11 **TERM OF CONTRACTS FOR STORAGE, HAN-**
12 **DLING OR DISTRIBUTION OF LIQUID FUELS**
13 **AND NATURAL GAS.**

14 Section 2922 of title 10, United States Code, is
15 amended—

16 (1) in subsection (a), by adding at the end the
17 following: “Contracts for the procurement of liquid
18 fuels, or natural gas entered into pursuant to this
19 section shall comply with the requirements of section
20 526 of the Energy Independence and Security Act of
21 2007 (42 U.S.C. 17142).”.

22 (2) in subsection (b), in the first sentence, by
23 striking “5 years” and inserting “15 years”.

1 **SEC. 105. ESTABLISHMENT OF DEPARTMENT OF DEFENSE**
2 **JOINT TASK FORCE FOR ALTERNATIVE FUEL**
3 **DEVELOPMENT.**

4 (a) ESTABLISHMENT OF TASK FORCE.—The Assist-
5 ant Secretary of Defense for Operational Energy, Plans,
6 and Programs shall chair a joint task force for alternative
7 fuel development, consisting of the Secretaries of the mili-
8 tary departments, or their designees, the Assistant Sec-
9 retary for Research and Engineering, and other members
10 determined appropriate. The task force shall—

11 (1) lead the military departments in the devel-
12 opment of alternative fuel;

13 (2) streamline the current investments of each
14 of the military departments and ensure that such in-
15 vestments account for the requirements of the mili-
16 tary departments;

17 (3) collaborate with and leverage investments
18 made by the Department of Energy and other Fed-
19 eral agencies to advance alternative fuel develop-
20 ment;

21 (4) coordinate proposed alternative fuel invest-
22 ments in accordance with section 138c(e) of title 10,
23 United States Code; and

24 (5) focus its efforts on fuels that are compliant
25 with the provisions of section 526 of the Energy

1 Independence and Security Act of 2007 (42 U.S.C.
2 17142).

3 (b) IMPLEMENTATION.—The Assistant Secretary of
4 Defense for Operational Energy, Plans, and Programs
5 shall prescribe policy for the task force established pursu-
6 ant to subsection (a) and certify the budget associated
7 with alternative fuel investments of the Department of De-
8 fense.

9 (c) NOTIFICATION.—Not later than 180 days after
10 the date of the enactment of this Act, the Secretary of
11 Defense shall submit to the congressional defense commit-
12 tees a copy of the policy prescribed under subsection (b).

13 **TITLE II—INSTALLATION** 14 **ENERGY SECURITY**

15 **SEC. 201. FUNDING FOR INSTALLATION ENERGY TEST BED.**

16 There is authorized to be appropriated \$47,000,000
17 for each of fiscal years 2012 through 2016 for research,
18 development, test, and evaluation, Defense-wide, for the
19 Installation Energy Test Bed (PE 0603XXXD8Z). As ap-
20 propriate, all Department of Defense projects funded
21 through this program shall be open and available to the
22 Department of Energy and its commercialization team.

1 **SEC. 202. FUNDING FOR ENERGY CONSERVATION**
2 **PROJECTS.**

3 (a) **AUTHORIZATION TO OBLIGATE FUNDS.**—The
4 Secretary of Defense may obligate, from amounts appro-
5 priated for military construction, land acquisition, and
6 military family housing functions of the Department of
7 Defense (other than the military departments) and avail-
8 able to carry out energy conservation projects,
9 \$135,000,000 for fiscal year 2012 to carry out energy con-
10 servation projects under chapter 173 of title 10, United
11 States Code, to accelerate implementation of the energy
12 performance plan of the Department of Defense and
13 achievement of the energy performance goals established
14 under section 2911 of such title, as amended by this Act.

15 (b) **AUTHORIZATION OF APPROPRIATIONS TO COM-**
16 **PENSATE FOR DEFICIENCY.**—There is authorized to be
17 appropriated to the Secretary of Defense for fiscal year
18 2012 an amount equal to the difference between—

19 (1) the amount that may be obligated by the
20 Secretary of Defense under subsection (a); and

21 (2) the amount appropriated for such fiscal
22 year for military construction, land acquisition, and
23 military family housing functions of the Department
24 of Defense (other than the military departments)
25 and available to carry out energy conservation
26 projects.

1 **SEC. 203. REPORT ON ENERGY-EFFICIENCY STANDARDS.**

2 (a) REPORT REQUIRED.—Not later than January 30,
3 2013, the Secretary of Defense shall submit to the con-
4 gressional defense committees a report on the energy-effi-
5 ciency standards utilized by the Department of Defense
6 for military construction.

7 (b) CONTENTS OF REPORT.—The report shall include
8 the following:

9 (1) A cost-benefit analysis, on a life-cycle basis,
10 of adopting American Society of Heating, Refrig-
11 erating and Air-Conditioning Engineers (ASHRAE)
12 building standard 189.1 versus 90.1 for sustainable
13 design and development for the construction and
14 renovation of non-temporary buildings and struc-
15 tures for the use of the Department of Defense.

16 (2) Department of Defense policy prescribing a
17 comprehensive strategy for the development of de-
18 sign and building standards across the Department
19 that include specific energy-efficiency standards and
20 sustainable design attributes for military construc-
21 tion based on the cost-benefit analysis required by
22 paragraph (1), and consistent with the requirement
23 under subsection (c).

24 (c) ENERGY EFFICIENCY STANDARDS.—The Sec-
25 retary of Defense shall prescribe Department-wide stand-
26 ards, to be effective no later than January 1, 2014, for

1 the design, construction, and renovation of Department of
2 Defense facilities that mandate energy efficiency stand-
3 ards equivalent, at a minimum, to ASHRAE building
4 standard 189.1.

5 **SEC. 204. IDENTIFICATION OF ENERGY-EFFICIENT PROD-**
6 **UCTS FOR USE IN CONSTRUCTION, REPAIR,**
7 **OR RENOVATION OF DEPARTMENT OF DE-**
8 **FENSE FACILITIES.**

9 (a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—
10 Section 2915(e) of title 10, United States Code, is amend-
11 ed by striking paragraph (2) and inserting the following
12 new paragraph:

13 “(2)(A) Not later than December 31, 2012, the Sec-
14 retary of Defense shall prescribe a definition of the term
15 ‘energy-efficient product’ for purposes of this subsection
16 and establish and maintain a list of products satisfying
17 the definition. The definition and list shall be developed
18 in consultation with the Secretary of Energy to ensure,
19 to the maximum extent practicable, consistency with defi-
20 nitions of the term used by other Federal agencies.

21 “(B) The Secretary shall modify the definition and
22 list of energy-efficient products as necessary, but not less
23 than annually, to account for emerging or changing tech-
24 nologies.

1 “(C) The list of energy-efficient products shall be in-
2 cluded as part of the energy performance master plan de-
3 veloped pursuant to section 2911(b)(2) of this title. The
4 Secretary of Defense shall report any research on topics
5 related to technologies covered in this subsection being
6 funded at national laboratories to the relevant program
7 management offices of the Department of Energy to en-
8 sure research agendas are coordinated, where appro-
9 priate.”.

10 (b) CONFORMING AMENDMENT TO ENERGY PER-
11 FORMANCE MASTER PLAN.—Section 2911(b)(2) of such
12 title is amended by adding at the end the following new
13 subparagraph:

14 “(F) The up-to date list of energy-efficient
15 products maintained under section 2915(e)(2) of
16 this title.”.

17 **SEC. 205. CORE CURRICULUM AND CERTIFICATION STAND-**
18 **ARDS FOR DEPARTMENT OF DEFENSE EN-**
19 **ERGY MANAGERS.**

20 (a) TRAINING PROGRAM AND ISSUANCE OF GUID-
21 ANCE.—

22 (1) IN GENERAL.—Subchapter I of chapter 173
23 of title 10, United States Code, is amended by in-
24 serting after section 2915 the following new section:

1 **“§ 2915a. Facilities: department of defense energy**
2 **managers**

3 “(a) TRAINING PROGRAM REQUIRED.—The Sec-
4 retary of Defense shall establish a training program for
5 Department of Defense energy managers designated for
6 military installations—

7 “(1) to improve the knowledge, skills, and abili-
8 ties of energy managers; and

9 “(2) to improve consistency among energy man-
10 agers throughout the Department in the perform-
11 ance of their responsibilities.

12 “(b) CURRICULUM AND CERTIFICATION.—(1) The
13 Secretary of Defense shall identify core curriculum and
14 certification standards required for energy managers. At
15 a minimum, the curriculum shall include the following:

16 “(A) Details of the energy laws that the De-
17 partment of Defense is obligated to comply with and
18 the mandates that the Department of Defense is ob-
19 ligated to implement.

20 “(B) Details of energy contracting options for
21 third-party financing of facility energy projects.

22 “(C) Details of the interaction of Federal laws
23 with State and local renewable portfolio standards.

24 “(D) Details of current renewable energy tech-
25 nology options, and lessons learned from exemplary
26 installations.

1 “(E) Details of strategies to improve individual
2 installation acceptance of its responsibility for reduc-
3 ing energy consumption.

4 “(F) Details of how to conduct an energy audit
5 and the responsibilities for commissioning, re-
6 commissioning, and continuous commissioning of fa-
7 cilities.

8 “(2) The curriculum and certification standards shall
9 leverage the best practices of each of the military depart-
10 ments.

11 “(3) The certification standards shall identify profes-
12 sional qualifications required to be designated as an en-
13 ergy manager.

14 “(c) USE OF EXISTING ENERGY CERTIFICATION
15 PROGRAMS.—The Deputy Under Secretary for Installa-
16 tions and Environment may determine that an existing
17 Federal energy certification program is suitable to be used
18 instead of the program described in subsection (b) to im-
19 prove the knowledge, skills, and abilities of energy man-
20 agers designated for military installations.

21 “(d) INFORMATION SHARING.—The Secretary of De-
22 fense shall ensure that there are opportunities and forums,
23 not less than annually, for energy managers to exchange
24 ideas and lessons learned within each military department,
25 as well as across the Department of Defense.”.

1 collect such data. The study shall include recommenda-
2 tions for transmitting metering data electronically in a
3 way that ensures protection from cyberthreats.

4 (b) DATA CAPTURE REQUIREMENT.—The Secretary
5 of Defense shall require that the information generated
6 by the installation energy meters be captured and tracked
7 to determine baseline energy consumption and facilitate
8 efforts to reduce energy consumption. The data shall be
9 made available to procurement officials to enable decisions
10 regarding technology acquisitions to include consideration
11 of relevant energy efficiency information.

12 **SEC. 207. ESTABLISHMENT OF MILESTONES FOR ACHIEV-**
13 **ING DEPARTMENT OF DEFENSE 2025 RENEW-**
14 **ABLE ENERGY GOAL.**

15 Section 2911(e) of title 10, United States Code, is
16 amended—

17 (1) by redesignating paragraph (2) as para-
18 graph (3); and

19 (2) by inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) In achieving the goal specified in paragraph (1)
22 regarding the use of renewable energy by the Department
23 of Defense—

24 “(A) after September 30, 2015, the Depart-
25 ment shall produce or procure from renewable en-

1 ergy sources not less than 12 percent of the total
2 quantity of facility energy it consumes within its fa-
3 cilities;

4 “(B) after September 30, 2018, the Depart-
5 ment shall produce or procure from renewable en-
6 ergy sources not less than 16 percent of the total
7 quantity of facility energy it consumes within its fa-
8 cilities; and

9 “(C) after September 30, 2021, the Depart-
10 ment shall produce or procure from renewable en-
11 ergy sources not less than 20 percent of the total
12 quantity of facility energy it consumes within its fa-
13 cilities.”.

14 **SEC. 208. DEVELOPMENT OF RENEWABLE ENERGY**
15 **SOURCES ON MILITARY LANDS.**

16 (a) **EXPANSION OF CURRENT GEOTHERMAL AU-**
17 **THORITY.**—Section 2917 of title 10, United States Code,
18 is amended—

19 (1) by striking “The Secretary” and inserting
20 “(a) **IN GENERAL.**—The Secretary”;

21 (2) by striking “geothermal energy resource”
22 and inserting “renewable energy source”; and

23 (3) by adding at the end the following new sub-
24 sections:

1 “(b) CONSIDERATION OF ENERGY SECURITY.—The
2 development of a renewable energy resource under sub-
3 section (a) shall include consideration of energy security
4 in the design and development of the project to ensure
5 that it does not have an adverse impact on mission needs.

6 “(c) DEFINITIONS.—In this section:

7 “(1) RENEWABLE ENERGY.—The term ‘renew-
8 able energy’ means electric energy generated from—

9 “(A) solar energy;

10 “(B) wind energy;

11 “(C) marine and hydrokinetic renewable
12 energy;

13 “(D) geothermal energy;

14 “(E) qualified hydropower;

15 “(F) biomass; or

16 “(G) landfill gas.

17 “(2) BIOMASS.—The term ‘biomass’ has the
18 meaning given the term in section 203(b) of the En-
19 ergy Policy Act of 2005 (42 U.S.C. 15852(b)).

20 “(3) QUALIFIED HYDROPOWER.—

21 “(A) IN GENERAL.—The term ‘qualified
22 hydropower’ means—

23 “(i) incremental hydropower;

24 “(ii) additions of capacity made on or
25 after January 1, 2001, or the effective

1 commencement date of an existing applica-
2 ble State renewable electricity standard
3 program at an existing non-hydroelectric
4 dam, if—

5 “(I) the hydroelectric project in-
6 stalled on the non-hydroelectric
7 dam—

8 “(aa) is licensed by the Fed-
9 eral Energy Regulatory Commis-
10 sion, or is exempt from licensing,
11 and is in compliance with the
12 terms and conditions of the li-
13 cense or exemption; and

14 “(bb) meets all other appli-
15 cable environmental, licensing,
16 and regulatory requirements, in-
17 cluding applicable fish passage
18 requirements;

19 “(II) the non-hydroelectric
20 dam—

21 “(aa) was placed in service
22 before the date of enactment of
23 this section;

1 “(bb) was operated for flood
2 control, navigation, or water sup-
3 ply purposes; and

4 “(cc) did not produce hydro-
5 electric power as of the date of
6 enactment of this section; and

7 “(III) the hydroelectric project is
8 operated so that the water surface ele-
9 vation at any given location and time
10 that would have occurred in the ab-
11 sence of the hydroelectric project is
12 maintained, subject to any license re-
13 quirements imposed under applicable
14 law that change the water surface ele-
15 vation for the purpose of improving
16 the environmental quality of the af-
17 fected waterway, as certified by the
18 Federal Energy Regulatory Commis-
19 sion; and

20 “(iii) in the case of the State of Alas-
21 ka—

22 “(I) energy generated by a small
23 hydroelectric facility that produces
24 less than 50 megawatts;

1 “(II) energy from pumped stor-
2 age; and

3 “(III) energy from a lake tap.

4 “(B) STANDARDS.—Nothing in this para-
5 graph or the application of this paragraph shall
6 affect the standards under which the Federal
7 Energy Regulatory Commission issues licenses
8 for and regulates hydropower projects under
9 part I of the Federal Power Act (16 U.S.C.
10 791a et seq.).”.

11 (b) CLERICAL AMENDMENTS.—

12 (1) SECTION HEADING.—The heading of such
13 section is amended to read as follows:

14 **“§ 2917. Development of renewable energy sources on**
15 **military lands”.**

16 (2) TABLE OF SECTIONS.—The table of sections
17 at the beginning of subchapter I of chapter 173 of
18 such title is amended by striking the item relating
19 to section 2917 and inserting the following new
20 item:

“2917. Development of renewable energy sources on military lands.”.

21 **SEC. 209. DEVELOPMENT OF RENEWABLE ENERGY ON MILI-**
22 **TARY INSTALLATIONS.**

23 (a) MILITARY INSTALLATIONS STUDY.—

24 (1) IN GENERAL.—Not later than 2 years after
25 the date of the enactment of this Act, the Secretary

1 of Defense, in consultation with the Secretary of the
2 Interior, the Secretary of Agriculture, the Secretary
3 of Energy, and the heads of other Federal agencies,
4 as appropriate, shall complete a study identifying lo-
5 cations on military installations and ranges, includ-
6 ing military installations and ranges composed in
7 whole or in part from lands withdrawn from the
8 public domain or subject to a special use permit
9 issued by the United States Forest Services that—

10 (A) exhibit a high potential for solar, wind,
11 geothermal, and other renewable energy produc-
12 tion; and

13 (B) could be developed for renewable en-
14 ergy production in a manner consistent with—

15 (i) all present and reasonably foresee-
16 able military training and operational mis-
17 sion needs and research, development, test-
18 ing, and evaluation requirements; and

19 (ii) all applicable environmental re-
20 quirements.

21 (2) NOTICE OF INTENT TO PREPARE ENVIRON-
22 MENTAL IMPACT ANALYSIS.—Not later than 1 year
23 after the completion of the study required under
24 paragraph (1), the Secretary of Defense, in con-
25 sultation with the Secretary of the Interior, the Sec-

1 retary of Agriculture, the Secretary of Energy, and
2 the heads of other Federal agencies, as appropriate,
3 shall prepare and publish in the Federal Register a
4 Notice of Intent initiating the process to prepare an
5 environmental impact analysis document to support
6 a program to develop renewable energy on any lands
7 identified in the study as suitable for such produc-
8 tion.

9 (3) USE OF EXISTING STUDIES AND ASSESS-
10 MENTS.—The study required by paragraph (1) shall,
11 to the extent possible, draw from existing studies
12 and assessments of the Department of Defense,
13 other Federal agencies, and such other studies as
14 may be determined by the Secretary of Defense to
15 be relevant.

16 (b) ADDITIONAL MATTERS.—The Secretary of De-
17 fense, in consultation with the Secretary of the Interior,
18 the Secretary of Agriculture, the Secretary of Energy, and
19 the heads of other Federal agencies, as appropriate, shall,
20 not later than 2 years after the date of the enactment of
21 this Act, prepare a report that—

22 (1) addresses the legal authorities governing
23 authorization for the development of renewable en-
24 ergy facilities on military installations and ranges,
25 including those composed in whole or in part from

1 lands withdrawn from the public domain or subject
2 to a special use permit issued by the United States
3 Forest Service, and identifies Federal and State
4 statutory and regulatory constraints to the develop-
5 ment of renewable energy facilities on installations
6 and ranges designed to produce power in excess of
7 the current or projected requirements of the military
8 installation or range concerned;

9 (2) contains recommendations to facilitate and
10 incentivize large-scale renewable development on
11 military installations and ranges, including those
12 composed in whole or in part from lands withdrawn
13 from the public domain or subject to a special use
14 permit issued by the United States Forest Service;
15 and

16 (3) contains recommendations on—

17 (A) necessary changes in any law or regu-
18 lation;

19 (B) whether the authorization for the use
20 of such lands for development of renewable en-
21 ergy projects should be pursuant to lease, con-
22 tract, right-of-way, permit, or other form of au-
23 thorization;

24 (C) methods of improving coordination
25 among the Federal, State, and local agencies, if

1 any, involved in authorizing renewable energy
2 projects; and

3 (D) the disposition of revenues resulting
4 from the development of renewable energy
5 projects on such lands.

6 (c) SUBMISSION OF STUDY AND REPORT.—The Sec-
7 retary shall, upon their completion, submit the study re-
8 quired by paragraph (a) and the report required by para-
9 graph (b) to the Committee on Armed Services, the Com-
10 mittee on Energy and Natural Resources, and the Com-
11 mittee on Appropriations of the Senate and the Committee
12 on Armed Services, the Committee on Natural Resources,
13 and the Committee on Appropriations of the House of
14 Representatives.

15 **SEC. 210. REPORT ON CROSS-AGENCY RENEWABLE ENERGY**
16 **DEVELOPMENT EFFORTS.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Secretary of Defense, in consultation
19 with the Secretary of Energy, the Secretary of the Inte-
20 rior, and the heads of other Federal agencies, as appro-
21 priate, shall submit to Congress a report addressing cross-
22 jurisdictional issues involved with the development of re-
23 newable energy on military installations and ranges, in-
24 cluding military installations and ranges composed in
25 whole or in part from lands withdrawn from the public

1 domain or subject to a special use permit issued by the
2 United States Forest Service. The report shall include a
3 description of the authority to approve such development
4 and options for disposition or use of funds generated from
5 these renewable energy projects.

6 **SEC. 211. ELIMINATION OF APPROVAL REQUIREMENT FOR**
7 **LONG-TERM CONTRACTS FOR ENERGY OR**
8 **FUEL FOR MILITARY INSTALLATIONS.**

9 Section 2922a of title 10, United States Code, is
10 amended—

11 (1) in subsection (a), by striking “Subject to
12 subsection (b), the Secretary of a military depart-
13 ment” and inserting “The Secretary of a military
14 department”;

15 (2) by striking subsection (b); and

16 (3) by redesignating subsection (c) as sub-
17 section (b).

18 **SEC. 212. CONSIDERATION OF ENERGY SECURITY IN DE-**
19 **VELOPING ENERGY PROJECTS ON MILITARY**
20 **INSTALLATIONS USING RENEWABLE ENERGY**
21 **SOURCES.**

22 (a) **POLICY OF PURSUING ENERGY SECURITY.—**

23 (1) **POLICY REQUIRED.—**The Secretary of De-
24 fense shall establish a policy under which favorable
25 consideration is given for energy security in the de-

1 sign and development of renewable energy projects
2 on military installations and ranges.

3 (2) NOTIFICATION.—The Secretary of Defense
4 shall provide notification to Congress within 30 days
5 after entering into any agreement for a facility en-
6 ergy project described in paragraph (1) that ex-
7 cludes pursuit of energy security on the grounds
8 that inclusion of energy security is cost prohibitive.
9 The Secretary shall also provide a cost-benefit anal-
10 ysis of the decision.

11 (3) ENERGY SECURITY DEFINED.—In this sub-
12 section, the term “energy security” has the meaning
13 given that term in section 2924 of title 10, United
14 States Code, as added by subsection (d).

15 (b) ADDITIONAL CONSIDERATION FOR DEVELOPING
16 AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND
17 ENERGY PERFORMANCE MASTER PLAN.—Section
18 2911(c) of title 10, United States Code, is amended by
19 adding at the end the following new paragraph:

20 “(12) Opportunities for improving energy secu-
21 rity for facility energy projects that will use renew-
22 able energy sources.”.

23 (c) REPORTING REQUIREMENT.—Section 2925(a)(3)
24 of such title is amended by inserting “whether the project

1 incorporates energy security into its design,” after
2 “through the duration of each such mechanism,”.

3 (d) ENERGY SECURITY DEFINED.—

4 (1) IN GENERAL.—Subchapter III of chapter
5 173 of title 10, United States Code, is amended by
6 inserting before section 2925 the following new sec-
7 tion:

8 **“§ 2924. Energy security defined**

9 “(a) IN GENERAL.—In this chapter, the term ‘energy
10 security’ means having assured access to reliable supplies
11 of energy and the ability to protect and deliver sufficient
12 energy to meet operational needs.

13 “(b) PURSUIT OF ENERGY SECURITY.—In selecting
14 facility energy projects on a military installation that will
15 use renewable energy sources, pursuit of energy security
16 means the installation will give favorable consideration to
17 projects that provide power directly into the installation
18 electrical distribution network. In such cases, this power
19 should be prioritized to provide the power necessary for
20 critical assets on the installation in the event of a disrup-
21 tion in the commercial grid.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such subchapter is amend-
24 ed by inserting before the item relating to section
25 2925 the following new section:

“2924. Energy security defined.”.

1 (e) STUDY ON USE OF RENEWABLE ENERGY TO IM-
2 PROVE ENERGY SECURITY.—

3 (1) STUDY.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of
5 Defense shall enter into a contract with an inde-
6 pendent entity to conduct a study on the use of re-
7 newable energy generation to improve energy secu-
8 rity at military installations.

9 (2) REPORT.—Not later than 18 months after
10 the date of the enactment of this Act, the Secretary
11 of Defense, in consultation with the Chief Informa-
12 tion Officer and the relevant energy offices within
13 the Department of Defense, shall submit to the con-
14 gressional defense committees a report on the study
15 conducted under paragraph (1), together with the
16 Secretary's recommendations for using renewable
17 energy generation to improve energy security at mili-
18 tary installations.

19 **SEC. 213. STUDY ON INSTALLATION ENERGY SECURITY AND**
20 **SOCIETAL IMPACTS.**

21 (a) STUDY.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Defense
23 shall enter into a contract with an independent entity to
24 conduct a study on energy security issues at military in-
25 stallations and related societal impacts.

1 (b) ELEMENTS.—The study required under sub-
2 section (a) shall include the following elements:

3 (1) A discussion of policy considerations, in-
4 cluding engagement with utilities, transmission com-
5 panies, and other entities involved in the incorpora-
6 tion of microgrids or other secure power generation
7 infrastructure on military installations designed to
8 assure continued mission-critical power in the event
9 of a failure or extended interruption in the commer-
10 cial power grid.

11 (2) An analysis of—

12 (A) whether, in the event a military instal-
13 lation has the continued use of a secure
14 microgrid during a power disruption in an adja-
15 cent community lasting more than 36 hours,
16 the military installation should have the capa-
17 bility and energy-generating capacity in excess
18 of that required to assure continuation of mis-
19 sion-critical power in order to allow delivery of
20 emergency power support to non-Department of
21 Defense facilities and users providing emer-
22 gency services and other critical functions in an
23 adjacent community;

1 (B) the policy and other implications of
2 not developing the capability and capacity de-
3 scribed in subparagraph (A);

4 (C) the budgetary implication of developing
5 the capability and capacity described in sub-
6 paragraph (A); and

7 (D) the potential sources of funding from
8 entities outside the Department of Defense re-
9 quired to develop the capability and capacity
10 described in subparagraph (A).

11 (c) REPORT.—Not later than 18 months after the
12 date of the enactment of this Act, the Secretary of Defense
13 shall submit to Congress a report on the study conducted
14 under this section, together with a plan for implementing
15 the recommendations of the study.

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