

117TH CONGRESS
2D SESSION

H. R. 7882

To amend title 10, United States Code, to codify certain clean energy targets of the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2022

Mr. CASTEN (for himself, Mr. CROW, Mr. MOULTON, Mr. GALLEGO, and Ms. ESCOBAR) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to codify certain clean energy targets of the Department of Defense, 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.**

4 This Act may be cited as the “Depend on Domestic
5 Clean Energy Act” or the “DOD Clean Energy Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Department of Defense, the agency
9 charged with protecting the national security of the

1 United States, observed as early as 1990 that cli-
2 mate change threatens our military readiness.

3 (2) As of 2019, the Department of Defense is
4 the single largest consumer of energy in the United
5 States, and the single largest institutional consumer
6 of petroleum in the world.

7 (3) Since 2001, the Department of Defense has
8 consistently consumed between 77 and 80 percent of
9 all energy consumption of the United States Govern-
10 ment.

11 (4) As climate change brings more extreme
12 weather, water and soil stress, sea-level rise, ocean
13 acidification, glacial melt, and pollution, greater
14 global tensions over food and water insecurity, re-
15 source scarcity, living patterns, and climate-related
16 migration will emerge.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that any unobligated
19 amounts for the Energy Resilience and Conservation In-
20 vestment Program of the Department of Defense at the
21 end of fiscal year 2022 should remain available for obliga-
22 tion by the Department after such fiscal year for deserving
23 projects so that the Department is able to appropriately
24 vet those projects while increasing staffing.

1 **SEC. 4. CODIFICATION OF CERTAIN DEPARTMENT OF DE-**
2 **FENSE CLEAN ENERGY TARGETS.**

3 (a) CODIFICATION.—Section 2911(g) of title 10,
4 United States Code, is amended—

5 (1) by redesignating paragraph (3) as para-
6 graph (4); and

7 (2) by striking paragraphs (1) and (2) and in-
8 serting the following new paragraphs (1) through
9 (3):

10 “(1) It shall be the target of the Department of De-
11 fense, with respect to the activities, personnel, resources,
12 and facilities of the Department located within the United
13 States—

14 “(A) to achieve at least 40 percent carbon pol-
15 lution-free electricity on a net annual basis by 2024
16 within all such facilities of the Department;

17 “(B) to achieve 100 percent carbon pollution-
18 free electricity on a net annual basis by 2030 within
19 all such facilities of the Department;

20 “(C) to reduce emissions from installation pro-
21 curement by at least 20 percent by 2024 and to
22 achieve net-zero emissions from installation procure-
23 ment by 2050;

24 “(D) to reduce emissions from buildings on De-
25 partment installations by 50 percent by 2032 and to

1 achieve net-zero emissions from buildings on instal-
2 lations by 2045;

3 “(E) to reduce emissions from Department op-
4 erations by 65 percent by 2030 and support the
5 achievement of net-zero emissions from Department
6 operations by 2050; and

7 “(F) to achieve 100 percent zero-emission vehi-
8 cle acquisitions for nontactical vehicles by 2035, in-
9 cluding 100 percent zero-emission light-duty vehicle
10 acquisitions by 2027, and to work towards 100 per-
11 cent zero-emission tactical vehicle acquisitions by
12 2045.

13 “(2) The Secretary of Defense may issue an exemp-
14 tion to the targets under paragraph (1) with respect to
15 an activity of an agency, and any related personnel, re-
16 sources, and facilities if the Secretary—

17 “(A) determines that the exemption is in the
18 national security interests of the United States; and

19 “(B) submits to the congressional defense com-
20 mittees notice in writing of the exemption within 30
21 days of issuing the exemption.

22 “(3)(A) The Secretary of Defense shall submit to the
23 congressional defense committees an annual report on the
24 progress the Department of Defense has made towards
25 achieving the targets under paragraph (1). Each such re-

1 port shall cover activities to achieve such targets con-
2 ducted during the year preceding the date of the submittal
3 of the report and shall include—

4 “(i) an identification of outstanding funding
5 and staffing resources need to implement such ac-
6 tivities;

7 “(ii) a description of any planned activities the
8 Secretary intends to carry out in order to meet such
9 targets, including how the Office of the Secretary of
10 Defense, the military departments, and Defense
11 agencies plan to collaborate to implement such ac-
12 tivities; and

13 “(iii) a plan to increase production of renewable
14 energy on Department of Defense installations and
15 pursue any energy reduction or conservation efforts.

16 “(B) Each report under subparagraph (A) shall be
17 made publicly available on an appropriate website of the
18 Department of Defense.”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(5) The Secretary of Defense shall delegate the re-
22 sponsibility for carrying out this subsection to the Assist-
23 ant Secretary of Defense for Energy, Installations, and
24 Environment.”.

1 (b) NON-DOMESTIC APPLICATION OF TARGETS.—
2 The Secretary of Defense may apply, in whole or in part,
3 the targets set forth in section 2911(g)(1) of title 10,
4 United States Code, as amended by subsection (a), with
5 respect to the activities, personnel, resources, and facilities
6 of the Department of Defense located outside of the
7 United States if the Secretary determines such application
8 to be in the interest of the United States.

9 **SEC. 5. DIRECT HIRE AUTHORITY FOR POSITIONS SUP-**
10 **PORTING DEPARTMENT OF DEFENSE EN-**
11 **ERGY INDEPENDENCE AND CLIMATE RESIL-**
12 **IENCE EFFORTS.**

13 Chapter 81 of title 10, United States Code, is amend-
14 ed by adding at the end the following new section (and
15 conforming the table of sections at the beginning of such
16 chapter accordingly):

17 **“§ 1599j. Direct hire authority for positions sup-**
18 **porting Department of Defense energy**
19 **independence and climate resilience ef-**
20 **forts**

21 “(a) AUTHORITY.—The Secretary of Defense may
22 appoint in the Department of Defense, without regard to
23 the provisions of subchapter I of chapter 33 of title 5,
24 other than sections 3303 and 3328 of such title, qualified
25 candidates to positions described in subsection (b) who

1 possess skills and experience the Secretary determines are
2 necessary to support the sustainability efforts of the De-
3 partment of Defense.

4 “(b) POSITIONS.—The positions described in this
5 subsection are all positions involved in supporting the en-
6 ergy independence and climate resilience efforts of the De-
7 partment, including the following:

8 “(1) Any position under the Assistant Secretary
9 of Defense for Energy, Installations, and Environ-
10 ment.

11 “(2) Any position that supports the remediation
12 or response efforts of the Department with respect
13 to perfluoralkyl substances and polyfluoroalkyl sub-
14 stances.

15 “(3) Any position that supports the environ-
16 mental stewardship programs of the Department.

17 “(4) Any position that supports the efforts of
18 the Department to meet the energy resilience and
19 security goals outlined in—

20 “(A) section 203 of the Energy Policy Act
21 of 2005 (42 U.S.C. 15852);

22 “(B) the Energy Independence and Secu-
23 rity Act of 2007 (42 U.S.C. 17001 et seq.); or

24 “(C) section 2911(g) of this title.

1 “(5) Any position that supports the Chief Sus-
2 tainability Officer of the Department.

3 “(6) Any other position the Secretary deter-
4 mines is essential to advancing the energy independ-
5 ence and climate resilience efforts of the Depart-
6 ment.”.

7 **SEC. 6. INVESTMENT IN AND DEVELOPMENT OF ENERGY**
8 **EFFICIENT TECHNOLOGY BY DEPARTMENT**
9 **OF DEFENSE.**

10 (a) AUTHORITIES OF DEPARTMENT RELATING TO
11 CLIMATE AND ENERGY RESILIENCE.—

12 (1) CHARGING AND REFUELING STATIONS FOR
13 ALTERNATIVE FUEL VEHICLES.—

14 (A) IN GENERAL.—The Secretary of De-
15 fense may carry out the development of charg-
16 ing or refueling stations for alternative fuel ve-
17 hicles on installations of the Department of De-
18 fense under the authorities, and using the fund-
19 ing methods, specified in subparagraph (B).

20 (B) AUTHORITIES SPECIFIED.—The au-
21 thorities and funding methods specified in this
22 paragraph are the following:

23 (i) Sections 2805 and 2912 of title
24 10, United States Code.

1 (ii) The authority under section
2 2913(d) of such title, to enter into agree-
3 ments with utilities for the purpose of pro-
4 viding or operating such charging or re-
5 fueling stations.

6 (iii) The authority under section 2914
7 of such title (known as the Energy Resil-
8 ience and Conservation Investment Pro-
9 gram).

10 (iv) Energy savings performance con-
11 tracts.

12 (v) Utility energy services contracts.

13 (vi) Other funding mechanisms fi-
14 nanced by non-Department entities for the
15 deployment of alternative fuel vehicles and
16 related charging or refueling infrastruc-
17 ture.

18 (2) RENEWABLE ENERGY UTILITIES FOR
19 POWER MANAGEMENT AT INSTALLATIONS.—The
20 Secretary of Defense, in carrying out the Energy
21 Resilience and Conservation Investment Program,
22 may enter into public-private partnerships with non-
23 governmental entities determined appropriate by the
24 Secretary under such Program for the purpose of

1 developing renewable energy utilities for power man-
2 agement at installations of the Department.

3 (b) REVIEW OF INVESTMENT BY DEPARTMENT IN
4 ALTERNATIVELY FUELED VEHICLES.—

5 (1) IN GENERAL.—The Secretary of Defense,
6 acting through the Director of Cost Assessment and
7 Program Evaluation, shall conduct a strategic review
8 of the investment by the Department of Defense in
9 alternative fuel vehicles.

10 (2) ELEMENTS.—The review under paragraph
11 (1) shall include the following:

12 (A) An assessment of funding levels for in-
13 vestment by the Department in alternative fuel
14 vehicles and associated trends for such invest-
15 ment across programs and Armed Forces.

16 (B) An assessment of any duplication of
17 efforts relating to such investment across pro-
18 grams and Armed Forces.

19 (C) An assessment of the long-term avail-
20 ability to the Department of internal combus-
21 tion engines and spare parts for such engines.

22 (D) An assessment of the relative tactical
23 benefits and limitations of each type of vehicle
24 propulsion (such as speed, acceleration, noise
25 production, time to refuel or recharge, range,

1 and operational duration), across the various
2 types of military missions.

3 (E) An assessment of the relative tactical
4 benefits and limitations of each type of vehicle
5 propulsion with respect to the provision of sup-
6 port to other tactical systems requiring elec-
7 tricity.

8 (F) An assessment of how the propulsion
9 systems of electrical and other alternative fuel
10 vehicles may be fueled on the battlefield and of
11 what investments may be necessary to maintain
12 such a fueling system.

13 (G) A comparison of the relative risk to
14 Department personnel and to the supply chain
15 between different fuel types, to determine the
16 tradeoffs associated with the adoption of any
17 given fuel type.

18 (H) A projected timeline of when a poten-
19 tial conversion to the use of alternative fuel ve-
20 hicles as tactical vehicles could reasonably occur
21 without causing a significant effect on the read-
22 iness of the Armed Forces, as determined by
23 the Secretary.

24 (I) The projected costs of converting (or
25 replacing) and sustaining alternative fuel vehi-

1 cles as tactical vehicles, to include training, in
2 total and for the two-year period following the
3 date of the review.

4 (J) An assessment of any national security
5 implications relating to the use and effects on
6 the supply chain of alternative fuel vehicles and
7 the source materials of such vehicles.

8 (K) Recommendations for further coordi-
9 nation of efforts of the Department and any
10 legislative or organizational changes that may
11 improve the coordination or alignment of invest-
12 ment by the Department in the
13 operationalization of alternative energy sources.

14 (L) Such other elements as the Secretary
15 considers appropriate.

16 (3) REPORT.—Not later than two years after
17 the date of the enactment of this Act, the Secretary
18 shall submit to the Committees on Armed Services
19 of the House of Representatives and the Senate a
20 report on the review under paragraph (1).

21 (c) AUTHORIZATIONS OF APPROPRIATIONS.—

22 (1) DEFENSE INNOVATION UNIT.—There is au-
23 thorized to be appropriated to the Department of
24 Defense \$8,000,000 for fiscal year 2023, for the
25 purpose of carrying out activities under the energy

1 division of the Defense Innovation Unit to leverage
2 advancements in energy and materials technology,
3 enhance capabilities, and strengthen energy resil-
4 ience across military installation and distributed op-
5 erations, including with respect to alternative fuel
6 vehicles and the fuel efficiency of vehicles.

7 (2) SUSTAINABLE TECHNOLOGY EVALUATION
8 AND DEMONSTRATION PROGRAM.—There is author-
9 ized to be appropriated to the Department of De-
10 fense \$5,000,000 for fiscal year 2023, for the pur-
11 pose of carrying out activities under the Sustainable
12 Technology Evaluation and Demonstration program
13 of the Department for the evaluation and dem-
14 onstration of, and the transition to, sustainable tech-
15 nologies that reduce military installation and oper-
16 ational energy consumption.

17 (3) STRATEGIC ENVIRONMENTAL RESEARCH
18 AND DEVELOPMENT PROGRAM.—There is authorized
19 to be appropriated to the Department of Defense
20 \$18,000,000 for fiscal year 2023, for the purpose of
21 carrying out activities under the Installation Energy
22 and Water program, or any successor program, of
23 the Strategic Environmental Research and Develop-
24 ment program of the Department.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “alternative fuel vehicle” includes
2 a vehicle that uses—

3 (A) a fuel or power source described in the
4 first sentence of section 241(2) of the Clean Air
5 Act (42 U.S.C. 7581(2)); or

6 (B) propane.

7 (2) The term “energy savings performance con-
8 tract” has the meaning given that term in section
9 804(3) of the National Energy Conservation Policy
10 Act (42 U.S.C. 8287c(3)).

11 **SEC. 7. INDEPENDENT STUDY ON SCOPE 3 EMISSIONS RE-**
12 **SULTING FROM CERTAIN DEPARTMENT OF**
13 **DEFENSE ACTIVITIES.**

14 (a) INDEPENDENT STUDY.—Not later than 30 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall seek to enter into a contract with a feder-
17 ally funded research and development center to conduct
18 a study on the scope 3 emissions resulting from certain
19 activities of the Department of Defense, including such ac-
20 tivities carried out under contracts or other agreements,
21 in accordance with the guidance of the Environmental
22 Protection Agency titled “Scope 3 Inventory Guidance”
23 (relating to scope 3 emissions), or any successor guidance.

1 (b) ELEMENTS.—The study referred to in subsection
2 (a) shall include a comprehensive review and assessment
3 of the following:

4 (1) Any contracts or other agreements relating
5 to manufacturing that the Secretary of Defense has
6 entered into.

7 (2) The extent to which, in performing work
8 under such contracts or other agreements, contrac-
9 tors and other partners track greenhouse gas emis-
10 sions.

11 (3) The known greenhouse gas emissions that
12 occur within the supply chain of the Department.

13 (c) REPORT.—

14 (1) SUBMISSION TO SECRETARY.—The terms of
15 the contract under subsection (a) shall include a re-
16 quirement that the federally funded research and de-
17 velopment center that conducts the study under the
18 contract to submit to the Secretary of Defense a re-
19 port on the results of the study, which shall include
20 an identification of the following:

21 (A) Considerations and recommendations
22 for the reduction of greenhouse gas emissions of
23 contractors and other partners performing work
24 under contracts or other agreements with the
25 Department.

1 (B) Any existing alternatives that produce
2 lower greenhouse gas emissions while still align-
3 ing with the national security interests of the
4 United States and the priorities set forth in the
5 national defense strategy.

6 (C) Any legislative recommendations to—
7 (i) support and facilitate implementa-
8 tion of the national defense strategy with
9 respect to climate- and environmental-re-
10 lated goals; or
11 (ii) reduce greenhouse gas emissions
12 through modernization of the supply chain
13 of the Department.

14 (2) SUBMISSION TO CONGRESS.—Upon receiv-
15 ing the report on the results of the study under
16 paragraph (1), the Secretary of Defense shall submit
17 to the congressional defense committees an unedited
18 copy of such report, together with the written per-
19 spectives of the Secretary of Defense and the Chair-
20 man of the Joint Chiefs of Staff with respect to the
21 results.

22 (3) FORM.—The report submitted under para-
23 graph (2) shall be submitted in unclassified form,
24 but may include a classified annex.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “national defense strategy”
2 means the review of the defense programs and poli-
3 cies of the United States that is carried out every
4 four years under section 113(g) of title 10, United
5 States Code.

6 (2) The term “scope 3 emissions” means emis-
7 sions that result from activities of a Federal depart-
8 ment or agency but are generated from sources that
9 are neither owned nor controlled by the Federal de-
10 partment or agency.

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