

**Memorandum
of
Understanding**

Between

U.S. Department of Energy

And

U.S. Department of Defense

July 22, 2010

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Memorandum of Understanding

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Concerning Cooperation in a Strategic Partnership to Enhance Energy Security

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to identify a framework for cooperation and partnership between the Department of Energy (DOE) and the Department of Defense (DOD), hereafter referred to as the Parties, to strengthen coordination of efforts to enhance national energy security, and demonstrate Federal Government leadership in transitioning America to a low carbon economy. This MOU covers, but is not limited to, efforts in the areas of energy efficiency, renewable energy, water efficiency, fossil fuels, alternative fuels, efficient transportation technologies and fueling infrastructure, grid security, smart grid, storage, waste-to-energy, basic science research, mobile/deployable power, small modular reactor nuclear energy, and related areas.

II. Legal Authority

DOE enters into this MOU under the authority of section 646 of the Department of Energy Organization Act (Pub. L. 95-91, as amended; 42 U.S.C. § 7256). DOD enters into this MOU under the authority of DOD Instruction 4000.19 "Inter-Service and Intra-Governmental Support" August 9, 1995.

III. Background

In the 2010 Quadrennial Defense Review, the DOD expressed an intent to partner with other U.S. agencies to research, develop, test, and evaluate new sustainable energy technologies. The DOD aims to speed innovative energy and conservation technologies from laboratories to military end users, and it uses military installations as a test bed to demonstrate and create a market for innovative energy efficiency and renewable energy technologies coming out of DOE laboratories, among other sources. The DOE is currently supporting a range of projects aimed at improving energy efficiency and renewable energy efforts across the military services.

Energy security for the DOD means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet operational and Installation energy needs. Energy efficiency can serve as a force multiplier, increasing the range and endurance of forces in the field while reducing the number of combat forces diverted to protect energy supply lines, as well as reducing long-term energy costs. DOD is also increasing its use of renewable energy supplies and reducing energy demand to improve energy security and operational effectiveness, reduce greenhouse gas (GHG) emissions in support of U.S. climate change initiatives, and protect the DOD from energy price fluctuations. Solving military challenges through innovation has the potential to yield spin-off technologies that benefit the civilian community as well.

The DOE is the lead Federal agency responsible for the development and deployment of advanced energy technologies, yet DOD will need to invest in many of these same energy technologies as well as other energy technologies which may be unique to DOD's operational requirements. Partnering with DOD provides DOE the opportunity to accelerate the deployment of its technologies and expertise toward the critical economic and energy security needs of the United States and to promote scientific and technological innovation.

The Parties acknowledge the significant positive collaboration that already exists between DOE and DOD and intend through this MOU to strengthen and broaden that cooperation.

IV. Activities

Specific activities covered under this MOU include, but are not limited to:

- A. Evaluate energy systems and technology management solutions that meet DOD objectives including developing energy technologies that meet DOD energy requirements. Work collaboratively to identify a strategy for their development and deployment.
- B. Maximize DOD access to DOE technical expertise and assistance through cooperation in the deployment and pilot testing of emerging energy technologies. Technology areas may include, but are not limited to, energy efficiency, renewable energy, water efficiency, fossil fuels, alternative fuels, efficient transportation technologies and fueling infrastructure, grid security (e.g., superconductivity, power, electronics, microgrids, cyber, EMP), smart grid, storage, waste-to-energy, basic science research, mobile/deployable power, small modular reactor nuclear energy, and related areas.

- C. Expand cooperation related to energy management practices and knowledge exchange, working to ensure that Federal leadership is in compliance with all statutory and Executive Order goals and objectives, particularly in the area of GHG reductions. Encourage the sharing of data, including, but not limited to, data on internal energy management projects and technical assistance projects.
- D. Collaborate on science and technology (S&T) projects at research institutions sponsored by either agency. Synchronize research and development (R&D) of new knowledge and technologies to expand complementary efforts.
- E. Develop joint initiatives for major energy technology research, development and demonstration programs of mutual interest to DOD and DOE, such as pilot or demonstration facilities which address military needs and also may address national security needs that transcend military requirements. DOD installations may serve as test beds for such technical demonstrations.
- F. Develop human capital within DOE and DOD through teaching and education. Work to integrate respective agency energy training and knowledge exchange practices.
- G. Encourage professional exchanges and formal liaison relationships between all DOE and DOD components including, but not limited to, laboratory, headquarters, military installations, combatant command headquarters, and forward operating bases.
- H. Collaborate on issues regarding nuclear power, except naval nuclear propulsion, including developing a business, licensing and regulatory strategy as appropriate, and evaluating the integration of energy technologies with other industrial applications that support DOD objectives for energy security and GHG reduction. Collaboration will include NRC review and licensing of nuclear power plants that are deployed for DOD purposes, and are located on or adjacent to DOD U.S. installations.

V. Implementation

DOE and DOD intend to develop and conduct cooperative activities relating to identified high priority energy strategic needs, where such cooperation contributes to the efficiency, productivity, and overall success of the activity. The Parties intend for the activities to be executed under the MOU to be established by a joint DOE/DOD senior-level Executive Committee. This Executive Committee will be co-chaired by a designee of the Under Secretary of Defense (Acquisition,

Logistics and Technology) and a designee of the Deputy Secretary from DOE. The Executive Committee will be responsible for the operations and governance of this MOU. Under the direction of the Co-Chairs, the Committee will include representatives from each of the principal DOE offices, specifically, the Office of the Under Secretary for Science, the National Nuclear Security Administration, and the Office of the Under Secretary for Energy. From the Department of Defense representatives will include the Deputy Under Secretary of Defense (Installations and Environment) and the Director of Operational Energy Plans and Programs. Additional members from both Agencies that may be involved in issues or functions of this MOU may be added. Upon agreement of both Departments, the Co-Chairs will appoint a team to develop, within 60 days, a charter and operating structure, membership, products, and decision processes.

The Executive Committee may establish working groups of Federal employees to perform and execute necessary activities contemplated by this MOU at their discretion. The Executive Committee and its working groups may make consensus recommendations based on their collaboration.

The Executive Committee will determine an appropriate regular meeting schedule, not to be less than four times annually. The Co-Chairs will be responsible for the development and distribution of agendas, presentations, and minutes of each meeting. Action items will be clearly identified and tracked in the minutes.

The Co-Chairs will be responsible for any reporting to the appropriate Departmental Secretarial Officers and will outline accomplishments, issues, redirections, and change assessments. The reporting will be coordinated by the Co-Chairs as appropriate.

The Co-Chairs will be responsible for any reports or presentations that are requested by other organizations, subject to the necessary review of each Party.

VI. Funding

Each party intends to coordinate their individual funding and resource decisions in order to maximize the benefits of cooperation under this MOU. Any transfer of funds or sharing of resources between the parties will be pursuant to a separate or pre-existing agreement.

VII. General

Work under this MOU will be jointly planned and monitored by the DOD and DOE.

In the event any activity undertaken by the agencies to implement the purposes of this MOU involves access to and sharing or transfer of technology subject to patents or other intellectual property rights, such access and sharing or transfer will be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.

This MOU is strictly for internal management purposes for each of the Parties. It is not legally enforceable and shall not be construed to create any legal obligation on the part of either Party. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity.

This MOU in no way restricts either of the Parties from participating in any activity with other public or private agencies, organizations, or individuals.

This MOU is intended to complement, and not to duplicate, cooperation by the Parties under the Memorandum of Understanding between the Department of Energy (National Nuclear Security Administration)/(Office of Science)/(Office of the Under Secretary) and the Department of Defense (Acquisition, Technology and Logistics) concerning Cooperation in a Strategic Partnership to Enhance National Security of January 26, 2009.

All agreements herein are subject to, and will be carried out in compliance with, all Federal applicable laws, regulations and other legal requirements.

This MOU is neither a fiscal nor a funds obligation document. Nothing in this MOU authorizes or is intended to obligate the Parties to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

VIII. Contacts/Designated Representatives

Under Secretary for Science
U.S. Department of Energy
Washington, DC 20585

Under Secretary for Energy
U.S. Department of Energy
Washington, DC 20585

Under Secretary for Nuclear Security
U.S. Department of Energy
Washington, DC 20585

Deputy Under Secretary of Defense
Installations and Environment
U.S. Department of Defense
Washington, DC 20301

Director of Operational Energy Plans and Programs
U.S. Department of Defense
Washington, DC 20301

Deputy Assistant to the Secretary of Defense for Nuclear Matters
U.S. Department of Defense
Washington, D.C. 20301-3050

IX. Duration of Agreement

This MOU is effective on the date of the final signature and will remain in effect until it is terminated by mutual agreement of the Parties or by either Party providing ninety days written notice to the other. This MOU may be modified at any time by written agreement of the Parties. Nothing in this MOU shall be interpreted to limit or otherwise affect any authorities, powers, rights, or privileges accorded to DOD or DOE or any of the officers, employees, or organizational units under any statute, rule, regulation, contract, or agreement.



Daniel B. Poneman
Deputy Secretary of Energy

JUL 22 2010

Date



William J. Lynn III
Deputy Secretary of Defense

JUL 22 2010

Date