AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. AKIN OF MISSOURI

At the end of title VIII, add the following new section:

SEC. 845. DEPARTMENT OF DEFENSE LONG-TERM CONTRACTING AUTHORITY FOR PROCUREMENT OF ALTERNATIVE FUELS.

(a) Multiyear Contracts for the Procurement of Alternative Fuels Authorized.—

(1) In general.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2410r. Multiyear contract authority: purchase of alternative fuels

“(a) Authority.—The head of an agency (as defined in section 2302) may enter into contracts for a period not to exceed 20 years for the purchase of alternative fuels.

“(b) Condition for out-year contract payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after
fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

“2410r. Multiyear contract authority: purchase of alternative fuels.”.

(b) **CONDITIONS ON OBLIGATION OF FUNDS.**—A contract entered into for alternative fuels pursuant to subsection (b) shall include the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for the alternative fuels project upon which the contract is based.

(2) A statement that any provision in the contract creating an obligation of the United States to make payments under the contract in any fiscal year beyond the level of funds subsequently appropriated specifically for that fiscal year and specifically for the project upon which the contract is based shall render the agreement null and void.

(3) A statement that the contract will not be used by the Department to finance new facilities intended to produce fuel for Federal consumption.
(4) A statement that no provision in the contract requires the Department to pay for unrecovered fixed costs in the event that the contract is canceled prior to completion.

(5) A commitment to obligate the necessary amount for each fiscal year covered by the contract only when and to the extent that funds are appropriated for that specific project for that fiscal year.

(6) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.