

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

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

1 **SEC. 845. DEPARTMENT OF DEFENSE LONG-TERM CON-**  
2 **TRACTING AUTHORITY FOR PROCUREMENT**  
3 **OF ALTERNATIVE FUELS.**

4 (a) MULTIYEAR CONTRACTS FOR THE PROCURE-  
5 MENT OF ALTERNATIVE FUELS AUTHORIZED.—

6 (1) IN GENERAL.—Chapter 141 of title 10,  
7 United States Code, is amended by adding at the  
8 end the following new section:

9 **“§ 2410r. Multiyear contract authority: purchase of**  
10 **alternative fuels**

11 “(a) AUTHORITY.—The head of an agency (as de-  
12 fined in section 2302) may enter into contracts for a pe-  
13 riod not to exceed 20 years for the purchase of alternative  
14 fuels.

15 “(b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
16 MENTS.—A contract entered into under subsection (a)  
17 shall provide that any obligation of the United States to  
18 make a payment under the contract for a fiscal year after

1 fiscal year 2012 is subject to the availability of appropria-  
2 tions for that purpose for such later fiscal year.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 141 of such title  
5 is amended by adding at the end the following new  
6 item:

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

7 (b) CONDITIONS ON OBLIGATION OF FUNDS.—A con-  
8 tract entered into for alternative fuels pursuant to sub-  
9 section (b) shall include the following provisions:

10 (1) A statement that the obligation of the  
11 United States to make payments under the contract  
12 in any fiscal year is subject to appropriations being  
13 provided specifically for that fiscal year and specifi-  
14 cally for the alternative fuels project upon which the  
15 contract is based.

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

23 (3) A statement that the contract will not be  
24 used by the Department to finance new facilities in-  
25 tended to produce fuel for Federal consumption.

1           (4) A statement that no provision in the con-  
2           tract requires the Department to pay for unre-  
3           covered fixed costs in the event that the contract is  
4           canceled prior to completion.

5           (5) A commitment to obligate the necessary  
6           amount for each fiscal year covered by the contract  
7           only when and to the extent that funds are appro-  
8           priated for that specific project for that fiscal year.

9           (6) A statement that such a commitment given  
10          under the authority of this section does not con-  
11          stitute an obligation of the United States.

