construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97–214, set out as an Effective Date note under section 2801 of this title.

**Bulk Fuel, Management in United States Indo-Pacific Command Area of Responsibility**


"(a) Bulk Fuel Management Strategy.—

"(1) STRATEGY REQUIRED.—The Secretary of Defense shall prepare a bulk fuel management strategy for the United States Indo-Pacific Command Area of Responsibility designed to develop the required bulk fuel management infrastructure and programs to optimally support bulk fuel management in the United States Indo-Pacific Command Area of Responsibility.

"(2) ADDITIONAL ELEMENTS.—The strategy shall include the following additional elements:

"(A) A description of current organizational responsibilities of bulk fuel management in the United States Indo-Pacific Command Area of Responsibility from ordering, storage, strategic transportation, and tactical transportation to the last tactical mile.

"(B) A description of legacy bulk fuel management assets that can be used to support the United States Indo-Pacific Command.

"(C) A description of current programs for platforms and weapon systems and research and development aimed at managing fuel constraints through decreasing demand.

"(b) Coordination.—The bulk fuel management strategy required by subsection (a) shall be prepared in coordination with subject-matter experts of the United States Indo-Pacific Command, the United States Transportation Command, the Defense Logistics Agency, and the military departments.''

**Notice of Purchase of Drop-In Fuel**


"(c) Notice of Purchase Required.—If the Secretary of Defense intends to purchase a drop-in fuel intended for operational use with a fully burdened cost in excess of $10 per gallon, the Secretary shall provide notice of such intended purchase to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] by not later than 30 days before the date on which such purchase is intended to be made.

"(d) Definitions.—In this section [this note]:

"(1) The term ‘drop-in fuel’ means a neat or blended liquid hydrocarbon fuel designed as a direct replacement for a traditional fuel with comparable performance characteristics and compatible with existing infrastructure and equipment.

"(2) The term ‘traditional fuel’ means a neat or blended liquid hydrocarbon fuel derived from petroleum.

"(3) The term ‘operational purposes’ means the purposes of conducting military operations, including training, exercises, large scale demonstrations, and moving and sustaining military forces and military platforms. The term does not include research, development, testing, evaluation, fuel certification, or other demonstrations.

"(4) The term ‘fully burdened cost’ means the commodity price of the fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.''

**Purchases of Gasohol as Fuel for Motor Vehicles**

Pub. L. 96–107, title VIII, § 815, Nov. 9, 1979, 93 Stat. 817, which had authorized the Secretary of Defense to buy domestically produced alcohol and gasohol for use as fuel in Department of Defense motor vehicles, was repealed and reenacted as section 2398 (now 2922c) of this title by Pub. L. 97–285, §§ 1129(a), (h), Oct. 12, 1982, 96 Stat. 1293, 1315.

**§ 2922a. Contracts for energy or fuel for military installations**

(a) Subject to subsection (b), the Secretary of a military department may enter into contracts for periods of up to 30 years—

"(1) under section 2917 of this title; and

"(2) for the provision and operation of energy production facilities on real property under the Secretary’s jurisdiction or on private property and the purchase of energy produced from such facilities.

(b) A contract may be made under subsection (a) only after the approval of the proposed contract by the Secretary of Defense.

(c) The costs of contracts under this section for any year may be paid from annual appropriations for that year.

(d) The Secretary concerned shall ensure energy security and energy resilience are included as critical factors in the provision and operation of energy production facilities under this section.


**Editorial Notes**

**AMENDMENTS**

2019—Subsec. (d). Pub. L. 116–92 substituted ‘‘energy resilience are included as critical factors’’ for ‘‘resilience are prioritized and included’’.

2018—Subsec. (d). Pub. L. 115–232 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ‘‘The Secretary concerned shall prioritize energy security and resilience.’’


1990—Subsec. (b). Pub. L. 101–510 substituted ‘‘only after the approval of the proposed contract by the Secretary of Defense’’ for ‘‘only’’—

"(1) after the approval of the proposed contract by the Secretary of Defense; and

"(2) after the Committees on Armed Services and Appropriations of the Senate and House of Representatives have been notified of the terms of the proposed contract, including the dollar amount of the contract and the amount of energy or fuel to be delivered to the Government under the contract’’.

1987—Subsec. (c). Pub. L. 100–26, which directed that ‘‘The term ‘’ be inserted in each paragraph after the paragraph designation and the first word after the first quotation marks in each paragraph be revised so that the initial letter of such word is lowercased, could not be
executed because subsec. (c) contained no paragraphs and no quoted words. The probable intent of Congress was to amend section 2383(c) of this title.


Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97–214, set out as a note under section 2901 of this title.

§ 2922b. Procurement of energy systems using renewable forms of energy

(a) In procuring energy systems the Secretary of a military department shall procure systems that use solar energy or other renewable forms of energy whenever the Secretary determines that such procurement is possible, suited to supplying the energy needs of the military department under the jurisdiction of the Secretary, consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title, and supported by the special considerations specified in subsection (e) of such section.

(b) The Secretary of Defense shall from time to time study uses for solar energy and other renewable forms of energy to determine what uses of such forms of energy may be reliable in supplying the energy needs of the Department of Defense. The Secretary of Defense, based upon the results of such studies, shall from time to time issue policy guidelines to be followed by the Secretaries of the military departments in carrying out subsection (a) and section 2915 of this title.

(Added Pub. L. 97–321, title VIII, § 801(a)(1), Oct. 15, 1982, 96 Stat. 1569, §2394a; amended Pub. L. 98–525, title XIV, §1405(3), Oct. 19, 1984, 98 Stat. 2024; Pub. L. 101–510, div. A, title XIII, §1325(a)(7), div. B, title XXVIII, §§2852(a), Nov. 5, 1990, 104 Stat. 1671, 1804; Pub. L. 102–102, section 2851(b)(3)(D)(ii), struck out subsec. (c) which read as follows: “(1) For the purposes of this section, an energy system using solar energy or other renewable forms of energy shall be considered to be cost effective if the difference between (A) the original investment cost of the energy system using such a form of energy, and (B) the original investment cost of the energy system not using such a form of energy can be recovered over the expected life of the system.

(2) A determination under paragraph (1) concerning whether a cost-differential can be recovered over the expected life of a system shall be made using the life-cycle cost methods and procedures established pursuant to section 544(a) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)).”


1990—Subsec. (b), Pub. L. 101–510, § 1322(a)(7), struck out “(1)” after “(b)” and struck out par. (2) which read as follows: “(2) A determination under paragraph (1) of whether a cost-differential can be recovered over the expected life of a system shall be made using accepted life-cycle costing procedures and shall include—

(A) the use of all capital expenses and all operating and maintenance expenses associated with the energy system using solar energy or other renewable forms of energy, and not using such a form of energy, over the expected life of the system or during a period of 25 years, whichever is shorter;

(B) the use of fossil fuel costs (and a rate of cost growth for fossil fuel costs) as determined by the Secretary of Defense; and

(C) the use of a discount rate of 7 percent per year for all expenses of the energy system.

(3) For the purpose of any life-cycle cost analysis under this subsection, the original investment cost of the energy system using solar energy or other renewable forms of energy shall be reduced by 10 percent to reflect an allowance for an investment cost credit.”


Statutory Notes and Related Subsidiaries

Submission Date for First Report


§ 2922c. Procurement of gasohol as motor vehicle fuel

(a) Other Federal Fuel Procurements.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the Federal Government and consistent with Executive Order Number 12291, whenever the Secretary of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of the Internal Revenue Code of 1986 for motor vehicles of a department or agency of the Fed-