

SUBCHAPTER II—ENERGY-RELATED  
PROCUREMENT

Sec. 2922.	Liquid fuels and natural gas: contracts for storage, handling, or distribution.
2922a.	Contracts for energy or fuel for military installations.
2922b.	Procurement of energy systems using renewable forms of energy.
2922c.	Procurement of gasohol as motor vehicle fuel.
2922d.	Procurement of fuel derived from coal, oil shale, and tar sands.
2922e.	Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.
2922f.	Preference for energy efficient electric equipment.
2922g.	Preference for motor vehicles using electric or hybrid propulsion systems.
2922h.	Limitation on procurement of drop-in fuels.
2922i.	Multiyear contracts: purchase of electricity from renewable energy sources.

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 116-283, div. A, title XVIII, §1879(b), Jan. 1, 2021, 134 Stat. 4293, added item 2922i.

2015—Pub. L. 114-92, div. A, title III, §311(b), Nov. 25, 2015, 129 Stat. 787, added item 2922h.

2009—Pub. L. 111-84, div. B, title XXVIII, §2844(b), Oct. 28, 2009, 123 Stat. 2682, added item 2922g.

**Statutory Notes and Related Subsidiaries**

PILOT PROGRAM ON ALTERNATIVE FUEL VEHICLE  
PURCHASING

Pub. L. 116-283, div. A, title III, §321, Jan. 1, 2021, 134 Stat. 3521, provided that:

“(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy and the Administrator of the General Services Administration, shall carry out a pilot program under which the Secretary of Defense may, notwithstanding section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374), purchase new alternative fuel vehicles for which the initial cost of such vehicles exceeds the initial cost of a comparable gasoline or diesel fueled vehicle by not more than 10 percent.

“(b) LOCATIONS.—

“(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than 2 facilities or installations of each military department in the continental United States that—

“(A) have the largest total number of attached noncombat vehicles as compared to other facilities or installations of the Department of Defense; and

“(B) are located within 20 miles of public or private refueling or recharging stations.

“(2) AIR FORCE LOGISTICS CENTER.—One of the facilities or installations selected under paragraph (1) shall be an Air Force Logistics Center.

“(c) ALTERNATIVE FUEL VEHICLE DEFINED.—In this section, the term ‘alternative fuel vehicle’ includes a vehicle that uses—

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

“(2) propane.”

**§ 2922. Liquid fuels and natural gas: contracts for storage, handling, or distribution**

(a) **AUTHORITY TO CONTRACT.**—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels or natural gas.

(b) **PERIOD OF CONTRACT.**—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of 30 years.

(c) **OPTION TO PURCHASE FACILITY.**—A contract under this section may contain an option for the purchase by the United States of the facility covered by the contract at the expiration or termination of the contract, without regard to subsections (a) and (b) of section 3324 of title 31, and before approval of title to the underlying land by the Attorney General.

(Added Pub. L. 85-861, §1(46), Sept. 2, 1958, 72 Stat. 1457, §2388; amended Pub. L. 97-214, §10(a)(3), July 12, 1982, 96 Stat. 175; Pub. L. 97-258, §3(b)(6), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 97-295, §1(27), Oct. 12, 1982, 96 Stat. 1291; Pub. L. 98-525, title XIV, §1405(56)(A), Oct. 19, 1984, 98 Stat. 2626; Pub. L. 101-510, div. A, title XIII, §1322(a)(6), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 103-160, div. A, title VIII, §825, Nov. 30, 1993, 107 Stat. 1711; Pub. L. 103-355, title III, §3064, Oct. 13, 1994, 108 Stat. 3337; renumbered §2922, Pub. L. 109-364, div. B, title XXVIII, §2851(b)(2), Oct. 17, 2006, 120 Stat. 2494; Pub. L. 115-91, div. A, title VIII, §881(a), Dec. 12, 2017, 131 Stat. 1504.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2388(a) .....	50:98i (1st sentence).	Aug. 3, 1956, ch. 939, §416, 70 Stat. 1018.
2388(b) .....	50:98i (2d sentence).	
2388(c) .....	50:98i (less 1st and 2d sentences and proviso of last sentence).	
2388(d) .....	50:98i (proviso of last sentence).	

In subsection (b), the words “section applies only” are substituted for the words “authority is limited”. The word “standards” is substituted for the word “criteria”.

In subsection (c), the words “A contract under this section” are substituted for the words “Such contracts”. The last 33 words are substituted for 50:98i (28 words before proviso of last sentence).

1982 ACT

In 10:2388(c), the title 31 citation is substituted for authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted title 31.

**Editorial Notes**

AMENDMENTS

2017—Subsec. (b). Pub. L. 115-91 substituted “30 years” for “20 years”.

2006—Pub. L. 109-364 renumbered section 2388 of this title as this section.

1994—Subsec. (a). Pub. L. 103-355 substituted “liquid fuels or natural gas” for “liquid fuels and natural gas”.

1993—Pub. L. 103-160, §825(b), substituted “Liquid fuels and natural gas: contracts for storage, handling, or distribution” for “Liquid fuels: contracts for storage, handling, and distribution” as section catchline.

Subsecs. (a), (b). Pub. L. 103-160, §825(a)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) The Secretary of a military department may contract for the storage, handling, and distribution of liquid fuels for periods of not more than five years, with options to renew for additional periods of not

more than five years each, but not for more than a total of 20 years.

“(b) This section applies only to facilities that conform to standards prescribed by the Secretary of Defense for protection, including dispersal, and that are in a program approved by the Secretary of Defense for the protection of petroleum facilities.”

Subsec. (c). Pub. L. 103-160, §825(a)(2), inserted heading.

1990—Subsec. (d). Pub. L. 101-510 struck out subsec. (d) which read as follows: “The Secretary concerned shall report to the Committees on Armed Services of the Senate and the House of Representatives the terms of the contracts made under this section and the names of the contractors. The reports shall be made at such times and in such form as may be agreed upon by the Secretary and those Committees.”

1984—Subsec. (c). Pub. L. 98-525 substituted “subsections (a) and (b) of section 3324” for “section 3324(a) and (b)”.

1982—Subsec. (c). Pub. L. 97-295, §1(27), substituted “section 3324(a) and (b) of title 31” for “section 3648 of the Revised Statutes (31 U.S.C. 529)”, clarifying the ambiguity created by previous amendments by Pub. L. 97-214 and Pub. L. 97-258.

Pub. L. 97-258, §3(b)(6), directed the substitution of “section 3324(a) and (b) of title 31” for “section 529 of title 31”, which could not be executed in view of prior substitution of language by Pub. L. 97-214.

Pub. L. 97-214, §10(a)(3), substituted “section 3648 of the Revised Statutes (31 U.S.C. 529)” for “section 4774(d) or 9774(d) of this title, section 529 of title 31, or section 259 or 267 of title 40.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title VIII, §881(b), Dec. 12, 2017, 131 Stat. 1504, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to contracts entered into on or after the date of the enactment of this Act [Dec. 12, 2017], and may be applied to a contract entered into before that date if the total contract period under the contract (including options) has not expired as of the date of any extension of such contract period by reason of such amendment.”

##### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 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 an Effective Date note under section 2801 of this title.

##### BULK FUEL MANAGEMENT IN UNITED STATES INDO-PACIFIC COMMAND AREA OF RESPONSIBILITY

Pub. L. 116-283, div. B, title XXVIII, §2854, Jan. 1, 2021, 134 Stat. 4355, as amended by Pub. L. 117-81, div. A, title III, §352(d), Dec. 27, 2021, 135 Stat. 1655, provided that:

“(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 responsibility 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

Pub. L. 113-291, div. A, title III, §316(c), (d), Dec. 19, 2014, 128 Stat. 3339, 3340, provided that:

“(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 percent more than the fully burdened cost of a traditional fuel available for the same purpose, 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 liquid hydrocarbon fuel derived or refined from petroleum.

“(3) The term ‘operational purposes’ means for 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. 97-295, §§1(29)(A), 6(b), 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