

112TH CONGRESS  
1ST SESSION

# S. 1079

To amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 25, 2011

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Fuel for En-  
5 hancing National Security Act of 2011”.

1 **SEC. 2. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.**

2 (a) CIVILIAN AGENCY CONTRACTS.—Subsection (a)  
3 of section 3903 of title 41, United States Code, is amend-  
4 ed to read as follows:

5 “(a) DEFINITIONS.—For the purposes of this section:

6 “(1) MULTIYEAR CONTRACT.—The term  
7 ‘multiyear contract’—

8 “(A) means a contract for the purchase of  
9 property or services for more than one, but not  
10 more than five, program years, except as pro-  
11 vided in subparagraph (B);

12 “(B) in the case of a contract for the pur-  
13 chase of advanced biofuel, means a contract for  
14 the purchase of such fuel for a period of up to  
15 15 program years; and

16 “(C) may provide that performance under  
17 the contract during the second and subsequent  
18 years of the contract is contingent upon the ap-  
19 propriation of funds and (if it does so provide)  
20 may provide for a cancellation payment to be  
21 made to the contractor if such appropriations  
22 are not made.

23 “(2) ADVANCED BIOFUEL.—The term ‘ad-  
24 vanced biofuel’ has the meaning given such term in  
25 section 211(o)(1)(B) of the Clean Air Act (42  
26 U.S.C. 7545(o)(1)(B)).”.

1 (b) DEFENSE CONTRACTS.—Subsection (k) of section  
2 2306b of title 10, United States Code, is amended to read  
3 as follows:

4 “(k) DEFINITIONS.—For the purposes of this section:

5 “(1)(A) Except as provided in subparagraph  
6 (B), the term ‘multiyear contract’ means a contract  
7 for the purchase of property or services for more  
8 than one, but not more than five, program years.

9 “(B) In the case of a contract for the purchase  
10 of advanced biofuel, the term ‘multiyear contract’  
11 means a contract for the purchase of such fuel for  
12 a period of up to 15 program years.

13 “(C) Such a contract may provide that perform-  
14 ance under the contract during the second and sub-  
15 sequent years of the contract is contingent upon the  
16 appropriation of funds and (if it does so provide)  
17 may provide for a cancellation payment to be made  
18 to the contractor if such appropriations are not  
19 made.

20 “(2) The term ‘advanced biofuel’ has the mean-  
21 ing given such term in section 211(o)(1)(B) of the  
22 Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

23 (c) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply to contracts entered into on or

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1 after the date occurring 180 days after the date of the  
2 enactment of this Act.

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