

AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. GINGREY OF GEORGIA

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

1 **SEC. 839. AUTHORITY TO WAIVE ALTERNATIVE FUEL PRO-**
2 **CUREMENT REQUIREMENT.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Section 526 of the Energy Independence
5 and Security Act of 2007 (Public Law 110–140; 42
6 U.S.C. 17142) prohibits all Federal agencies from
7 entering into contracts for alternative fuels that emit
8 higher levels of greenhouse gas emissions than “con-
9 ventional petroleum sources”.

10 (2) On March 17, 2008, then Chairman of the
11 Committee on Oversight and Government Reform of
12 the House of Representatives, Representative Henry
13 Waxman, sent a letter to the Chairman of the Com-
14 mittee on Energy and Natural Resources of the Sen-
15 ate, Senator Jeff Bingaman, explaining his intent of
16 section 526 as its author.

17 (3) In that letter, Representative Waxman indi-
18 cated that section 526 was “included in the legisla-

1 tion in response to proposals under consideration by
2 the Air Force to develop coal-to-liquid fuels”.

3 (4) Over the past several years, the Air Force
4 has partnered with the National Aeronautics and
5 Space Administration to undertake aggressive re-
6 search to convert domestic energy sources—coal,
7 natural gas, biomass and oil shale—into cleaner and
8 more economical alternatives to traditional jet fuel.

9 (5) Over the past decade, the Department of
10 Defense has consumed an average of 131,000,000
11 barrels of refined products annually—approximately
12 360,000 barrels per day—with 72 percent being
13 dedicated to jet fuel.

14 (6) To meet that demand, the United States
15 imports oil products from varying oil producing
16 countries, including Department of State-recognized
17 state sponsors of terrorism and terrorist safe havens.

18 (7) From 2000 to 2008, the United States im-
19 ported an average of 2,800,000 barrels of oil per
20 year from Syria—a state sponsor of terrorism.

21 (8) From 2000 to 2008, the United States im-
22 ported an average of 525,000,000 barrels of oil per
23 year from Venezuela—a terrorist safe haven.

1 (9) From 2000 to 2007, the United States im-
2 ported an average of 6,200,000 barrels of oil per
3 year from Yemen—a terrorist safe haven.

4 (10) Since fiscal year 2000, the Department of
5 Defense spent 500 percent more on fuel in fiscal
6 year 2008 (\$18,000,000,000) than it did in fiscal
7 year 2000 (\$3,600,000,000) while the volume pur-
8 chased only increased by 30 percent.

9 (11) In fiscal year 2008, spending on fuel rep-
10 resented approximately 3 percent of all of the costs
11 of the Department of Defense.

12 (12) Section 526 prevents the Department of
13 Defense from purchasing coal-based fuels. This in-
14 cludes coal-to-liquids, oil shale, and tar sands, all of
15 which are domestically abundant.

16 (13) As a result, section 526 limits innovation
17 from the Department of Defense to improve clean
18 carbon capture technologies for alternative fuels,
19 thereby increasing the Nation's dependence on for-
20 eign oil, and will only further increase fuel costs for
21 the military.

22 (b) **AUTHORITY TO WAIVE ALTERNATIVE FUEL PRO-**
23 **CUREMENT REQUIREMENT.**— The Secretary of Defense
24 (or his designee) may waive the prohibition contained in
25 section 526 of the Energy Independence and Security Act

1 of 2007 (Public Law 110-140; 42 U.S.C. 17142) if such
2 a waiver is determined to be necessary by the Secretary
3 to further readiness of the Armed Forces and national se-
4 curity objectives.

