

will be unable to meet the requirements under subsection (a), not later than 90 days after the end of such fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing—

- (1) the projected shortfall;
- (2) reasons for the projected shortfall;
- (3) any statutory, technological, or monetary impediments to achieving such requirements;
- (4) any impact to readiness or ability to meet the national defense posture; and
- (5) any other relevant information as the Secretary considers appropriate.

(h) DEFINITIONS.—In this section:

(1) The term “availability” means the availability of required energy at a stated instant of time or over a stated period of time for a specific purpose.

(2) The term “black start exercise” means an exercise in which delivery of energy provided from off an installation is terminated before backup generation assets on the installation are turned on. Such an exercise shall—

(A) determine the ability of the backup systems to start independently, transfer the load, and carry the load until energy from off the installation is restored;

(B) align organizations with critical missions to coordinate in meeting critical mission requirements;

(C) validate mission operation plans, such as continuity of operations plans;

(D) identify infrastructure interdependencies; and

(E) verify backup electric power system performance.

(3) The term “critical mission”—

(A) means those aspects of the missions of an installation, including mission essential operations, that are critical to successful performance of the strategic national defense mission;

(B) may include operational headquarters facilities, airfields and supporting infrastructure, harbor facilities supporting naval vessels, munitions production and storage facilities, missile fields, radars, satellite control facilities, cyber operations facilities, space launch facilities, operational communications facilities, and biological defense facilities; and

(C) does not include military housing (including privatized military housing), morale, welfare, and recreation facilities, exchanges, commissaries, or privately owned facilities.

(4) The term “energy” means electricity, natural gas, steam, chilled water, and heated water.

(5) The term “installation” has the meaning given the term “military installation” in section 2801(c)(4) of this title.

(Added Pub. L. 116-283, div. A, title III, §316(a), Jan. 1, 2021, 134 Stat. 3516.)

### § 2921. Energy efficiency targets for data centers

(a) COVERED DATA CENTERS.—

(1) For each covered data center, the Secretary of Defense shall—

(A) develop a power usage effectiveness target for the data center, based on location, resiliency, industry standards, and best practices;

(B) develop a water usage effectiveness target for the data center, based on location, resiliency, industry standards, and best practices;

(C) develop other energy efficiency or water usage targets for the data center based on industry standards and best practices, as applicable to meet energy efficiency and resiliency goals;

(D) identify potential renewable or clean energy resources, or related technologies such as advanced battery storage capacity, to enhance resiliency at the data center, including potential renewable or clean energy purchase targets based on the location of the data center; and

(E) identify any statutory, regulatory, or policy barriers to meeting any target under any of subparagraphs (A) through (C).

(2) The Secretary of Defense shall ensure that targets developed under paragraph (1) are consistent with guidance issued by the Secretary of Energy.

(3) In this subsection, the term “covered data center” means a data center of the Department of Defense that—

(A) is one of the 50 data centers of the Department with the highest annual power usage rates; and

(B) has been established before the date of the enactment of this section.

(b) NEW DATA CENTERS.—(1) Except as provided in paragraph (2), in the case of any Department of Defense data center established on or after the date of the enactment of this section, the Secretary of Defense shall establish energy, water usage, and resiliency-related standards that the data center shall be required to meet based on location, resiliency, industry and Federal standards, and best practices. Such standards shall include—

(A) power usage effectiveness standards;

(B) water usage effectiveness standards; and

(C) any other energy or resiliency standards the Secretary determines are appropriate.

(2) The Secretary may waive the requirement for a Department data center established on or after the date of the enactment of this section to meet the standards established under paragraph (1) if the Secretary—

(A) determines that such waiver is in the national security interest of the United States; and

(B) submits to the Committee on Armed Services of the House of Representatives notice of such waiver and the reasons for such waiver.

(Added Pub. L. 117-81, div. A, title III, §312(a)(1), Dec. 27, 2021, 135 Stat. 1627.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a)(3)(B) and (b), is the date of enactment of Pub. L. 117-81, which was approved Dec. 27, 2021.

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