

“(c) The Secretary of the military department concerned may not provide service for a new heating system in increments in order to avoid the prohibition contained in subsection (a).”

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 2801 of this title.

§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

- (1) An electric utility.
- (2) An independent system operator.
- (3) A State agency.
- (4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be—

- (1) received as a cost reduction in the utility bill for a facility; or
- (2) deposited into the fund established under subsection (c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

(c) ENERGY SAVINGS FINANCIAL INCENTIVES FUND.—There is established in the Treasury a fund to be known as the “Energy Savings Financial Incentives Fund”. The Fund shall consist of any amount deposited in the Fund pursuant to subsection (b)(2) and amounts appropriated or otherwise made available to the Fund by law.

(Added Pub. L. 111-84, div. B, title XXVIII, § 2843(a), Oct. 28, 2009, 123 Stat. 2681.)

§ 2920. Energy resilience and energy security measures on military installations

(a) ENERGY RESILIENCE MEASURES.—(1) The Secretary of Defense shall, by the end of fiscal year 2030, provide that 100 percent of the energy load required to maintain the critical missions of each installation have a minimum level of availability of 99.9 percent per fiscal year.

(2) The Secretary of Defense shall issue standards establishing levels of availability relative to specific critical missions, with such standards providing a range of not less than 99.9 percent availability per fiscal year and not more than

99.9999 percent availability per fiscal year, depending on the criticality of the mission.

(3) The Secretary may establish interim goals to take effect prior to fiscal year 2025 to ensure the requirements under this subsection are met.

(4) The Secretary of each military department and the head of each Defense Agency shall ensure that their organizations meet the requirements of this subsection.

(b) PLANNING.—(1) The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to plan for the provision of energy resilience and energy security for installations.

(2) Planning under paragraph (1) shall—

(A) promote the use of multiple and diverse sources of energy, with an emphasis favoring energy resources originating on the installation such as modular generation;

(B) promote installing microgrids to ensure the energy security and energy resilience of critical missions; and

(C) favor the use of full-time, installed energy sources rather than emergency generation.

(c) DEVELOPMENT OF INFORMATION.—The planning required by subsection (b) shall identify each of the following for each installation:

(1) The critical missions of the installation.

(2) The energy requirements of those critical missions.

(3) The duration that those energy requirements are likely to be needed in the event of a disruption or emergency.

(4) The current source of energy provided to those critical missions.

(5) The duration that the currently provided energy would likely be available in the event of a disruption or emergency.

(6) Any currently available sources of energy that would provide uninterrupted energy to critical missions in the event of a disruption or emergency.

(7) Alternative sources of energy that could be developed to provide uninterrupted energy to critical missions in the event of a disruption or emergency.

(d) TESTING AND MEASURING.—(1)(A) The Secretary of Defense shall require the Secretary of each military department and head of each Defense Agency to conduct monitoring, measuring, and testing to provide the data necessary to comply with this section.

(B) Any data provided under subparagraph (A) shall be made available to the Assistant Secretary of Defense for Sustainment upon request.

(2)(A) The Secretary of Defense shall require that black start exercises be conducted to assess the energy resilience and energy security of installations for periods established to evaluate the ability of the installation to perform critical missions without access to off-installation energy resources.

(B) A black start exercise conducted under subparagraph (A) may exclude, if technically feasible, housing areas, commissaries, exchanges, and morale, welfare, and recreation facilities.

(C) The Secretary of Defense shall—

(i) provide uniform policy for the military departments and the Defense Agencies with

respect to conducting black start exercises; and

(ii) establish a schedule of black start exercises for the military departments and the Defense Agencies, with each military department and Defense Agency scheduled to conduct such an exercise on a number of installations each year sufficient to allow that military department or Defense Agency to meet the goals of this section, but in any event not fewer than five installations each year for each military department through fiscal year 2032.

(D)(i) Except as provided in clause (ii), the Secretary of each military department shall, notwithstanding any other provision of law, conduct black start exercises in accordance with the schedule provided for in subparagraph (C)(ii), with any such exercise not to last longer than five days.

(ii) The Secretary of a military department may conduct more black start exercises than those identified in the schedule provided for in subparagraph (C)(ii).

(e) **CONTRACT REQUIREMENTS.**—For contracts for energy and utility services, the Secretary of Defense shall—

(1) specify methods and processes to measure, manage, and verify compliance with subsection (a); and

(2) ensure that such contracts include requirements appropriate to ensure energy resilience and energy security, including requirements for metering to measure, manage, and verify energy consumption, availability, and reliability consistent with this section and the energy resilience metrics and standards under section 2911(b) of this title.

(f) **EXCEPTION.**—This section does not apply to fuels used in aircraft, vessels, or motor vehicles.

(g) **REPORT.**—If by the end of fiscal year 2027, the Secretary determines that the Department 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; amended Pub. L. 118–159, div. A, title III, §§313, 314(a), Dec. 23, 2024, 138 Stat. 1851.)

Editorial Notes

AMENDMENTS

2024—Subsec. (d)(2)(C)(ii). Pub. L. 118–159, §313, substituted “2032” for “2027”.

Subsec. (g). Pub. L. 118–159, §314(a), substituted “2027” for “2029” in introductory provisions.

Statutory Notes and Related Subsidiaries

DEPARTMENT OF DEFENSE INFRASTRUCTURE RESILIENCE AND READINESS

Pub. L. 118–31, div. B, title XXVIII, §2811(b), Dec. 22, 2023, 137 Stat. 748, provided that:

“(1) **AUTHORITY.**—The Secretary of Defense and the Secretary of the military department concerned may utilize existing areawide contracts to procure utility services from a utility service supplier—

“(A) to support installation energy resilience and mission readiness;

“(B) for the protection of critical infrastructure of the Department of Defense located at a military installation; and

“(C) to achieve energy resilience at military installations through implementation of utility system infrastructure projects, to include facilities sustainment, restoration, and modernization of such infrastructure.

“(2) **SUNSET.**—The authority under this subsection shall terminate on September 30, 2032.

“(3) **DEFINITIONS.**—In this section:

“(A) **AREA WIDE CONTRACT.**—The term ‘areawide contract’ means a contract entered into between the

General Services Administration and a utility service supplier under section 501 of title 40, United States Code, to procure the utility service needs of Federal agencies within the franchise territory of the supplier.

“(B) ENERGY RESILIENCE.—The term ‘energy resilience’ has the meaning given the term in section 101(e) of title 10, United States Code.

“(C) FRANCHISE TERRITORY.—The term ‘franchise territory’ means a geographical area that a utility service supplier has a right to serve based upon a franchise granted by an independent regulatory body, a certificate of public convenience and necessity, or other legal means.

“(D) UTILITY SERVICE.—The term ‘utility service’—
“(i) means a utility or service described in section 2872a(b) of title 10, United States Code;

“(ii) includes the services supplied by a utility service supplier described in an areawide contract such as connection, change, disconnection, continue service, line extension, alteration or relocation, metering, and special facilities, including primary generation, backup generation, microgrid controls, charging capabilities, and any supporting infrastructure; and

“(iii) includes ancillary services, including total maintenance and repair, major restoration and repair, studies, and any other services, as appropriate.

“(E) UTILITY SERVICE SUPPLIER.—The term ‘utility service supplier’ means an entity that supplies a utility service.

“(F) UTILITY SYSTEM.—The term ‘utility system’ has the meaning given the term in subsections (i)(1)(A) and (i)(2)(A) of section 2688 of title 10, United States Code.”

§ 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; purchase or lease of certain electric and other vehicles.
[2922h.	Repealed.]
2922i.	Multiyear contracts: purchase of electricity from renewable energy sources.
2922j.	Annual report on purchase of drop-in fuel.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, div. A, title III, §315, Dec. 23, 2024, 138 Stat. 1851, added item 2922j and struck out item 2922h “Limitation on procurement of drop-in fuels”. Amendments were made pursuant to operation of section 102 of this title.

2022—Pub. L. 117–263, div. A, title III, §317(b), Dec. 23, 2022, 136 Stat. 2507, added item 2922g and struck out