

AMENDMENT TO H.R. 8800
OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the appropriate place in title XXVIII, insert the following:

1 **SEC. 28** ____ . **CERTIFICATION REQUIRED FOR DEPARTMENT**
2 **OF DEFENSE AGREEMENTS AUTHORIZING**
3 **THE CONSTRUCTION OR OPERATION OF**
4 **DATA CENTERS.**

5 (a) CERTIFICATION REQUIRED FOR FUTURE AGREE-
6 MENTS.—The Secretary of Defense may not enter into a
7 lease, license, permit, or other agreement authorizing a
8 commercial entity to construct, operate, or maintain a
9 data center unless, not later than 90 days before entering
10 an agreement, the Secretary submits a written certifi-
11 cation to the Committees on Armed Services of the House
12 of Representatives and the Senate that includes the fol-
13 lowing:

14 (1) A certification, a detailed description of the
15 operational military use for the data center, and a
16 determination that such data center poses no risk to
17 national defense, including—

18 (A) if the computing capacity of such data
19 center will be for commercial, non-Department

1 purposes, and if so, the conditions and limita-
2 tions of that use;

3 (B) the specific military capabilities, pro-
4 grams, or systems that will utilize the facility's
5 computing capacity; and

6 (C) if the Secretary is contractually requir-
7 ing Department use of the facility, or will at
8 another time.

9 (2) The costs of such data center, including—

10 (A) any contractual provisions of the data
11 center to continued operations in the event that
12 it fails to meet obligations or the in-kind con-
13 sideration, or utility cost-sharing arrangements;
14 and

15 (B) that the Department will not be re-
16 sponsible for overruns or operational shortfalls.

17 (3) A plan for continuity of installation oper-
18 ations in the event of a power outage or facility fail-
19 ure due to the data center, including—

20 (A) requirements for uninterruptible power
21 supply systems, like battery backup capacity
22 and backup generation sufficient to prevent im-
23 pact to military installation operations; and

24 (B) contractual provisions prohibiting the
25 covered data center facility from drawing emer-

1 agency backup power from installation military
2 systems without written authorization of the in-
3 stallation commander.

4 (4) An assessment of the impact of the covered
5 data center facility on—

6 (A) energy supply and cost for the military
7 installation; and

8 (B) benefits associated with the military
9 installation's utility resiliency.

10 (5) An assessment of the projected water con-
11 sumption of the covered data center facility, includ-
12 ing—

13 (A) the effect of the covered data center
14 facility on the water consumption of the mili-
15 tary installation; and

16 (B) water-efficiency measures and tech-
17 nologies to be employed, including any closed-
18 loop systems and a quantified projection of
19 water savings relative to standard commercial
20 data center operations.

21 (6) An assessment of the projected sound and
22 light pollution impacts—

23 (A) on military readiness, training (par-
24 ticularly flight or night training), and oper-
25 ations at the installation; and

1 (B) including, mitigation measures for the
2 above.

3 (7) An assessment that the data center facility
4 will not encroach on military training, testing, or
5 operational activities at the installation, including—

6 (A) an encroachment assessment address-
7 ing impacts on flight operations, ranges, ma-
8 neuver areas, and any other installation oper-
9 ational requirements;

10 (B) a description of operational restrictions
11 or mitigation measures required to protect mili-
12 tary readiness; and

13 (C) a certification that the lease area is
14 not reasonably necessary for current or pro-
15 jected military operational needs for 50 years.

16 (8) An assessment of security and supply chain
17 issues, including—

18 (A) that the facility's security classification
19 requirements and the physical security stand-
20 ards, especially if proximate to classified oper-
21 ations, will meet Department requirements;

22 (B) a plan for incorporating applicable
23 physical security into the design and construc-
24 tion specifications of the facility at the earliest
25 practicable stage;

1 (C) an assessment of supply chain risks as-
2 sociated with the hardware and software, in-
3 cluding such risks associated with hardware and
4 software components sourced from foreign enti-
5 ties of concern; and

6 (D) personnel security requirements for
7 employees during construction and operations
8 of the data center.

9 (9) A mechanism for the base community to in-
10 corporate and share to the applicable contractor ef-
11 fects of the data center on the base community.

12 (b) ANNUAL REPORT.—Not later than one year after
13 data center operations begin, and annually thereafter, the
14 Secretary shall submit to the Committees on Armed Serv-
15 ices of the House of Representatives and the Senate a re-
16 port with respect to each data center constructed or oper-
17 ated during the period covered by the report that in-
18 cludes—

19 (1) a description of the operational military
20 uses of computing at such data center;

21 (2) any issues with contracting pay disputes
22 and mitigations;

23 (3) power outages, facility failures, or interrup-
24 tions to installation energy supply attributable to the
25 facility, and mitigations;

1 (4) energy consumption and impacts on energy
2 costs or reliability for the installation and the sur-
3 rounding community;

4 (5) effects of the data center on the water use
5 of the military installation;

6 (6) effects of sound or light pollution on oper-
7 ations conducted at the military installation;

8 (7) encroachment impacts, if any, on military
9 training, testing, or operational activities;

10 (8) any physical security incidents, supply chain
11 risks with respect to component parts sourced from
12 foreign entities of concern or, personnel security
13 issues;

14 (9) any funding requested by the Department
15 for costs, operational expenses, or financial obliga-
16 tions for a commercial data center; and

17 (10) if the Department is considering a “kick
18 out” clause for the data center on Department land,
19 if the Secretary determines unacceptable risk to
20 military readiness, installation operations, or the na-
21 tional security or adverse impacts to the energy sup-
22 ply, water supply, or quality of life of communities
23 in proximity to the military installation.

