

after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following: "As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:"

Subsec. (a)(3). Pub. L. 112-81, § 2822(d)(1), inserted "whether the project incorporates energy security into its design," after "through the duration of each such mechanism,"

Subsec. (a)(4). Pub. L. 112-81, § 2824(b)(2), added par. (4). Former par. (4) redesignated (5).

Pub. L. 111-383, § 2832(c)(1), substituted "energy performance master plan" for "energy performance plan".

Subsec. (a)(5) to (9). Pub. L. 112-81, § 2824(b)(1), redesignated pars. (4) to (8) as (5) to (9), respectively.

Subsec. (a)(10). Pub. L. 112-81, § 2824(b)(1), redesignated par. (9) as (10). Former par. (10) redesignated (11).

Pub. L. 112-81, § 2822(d)(3), added par. (10). Former par. (10) redesignated (11).

Subsec. (a)(11). Pub. L. 112-81, § 2824(b)(1), redesignated par. (10) as (11). Former par. (11) redesignated (12).

Pub. L. 112-81, § 2822(d)(2), redesignated par. (10) as (11).

Subsec. (a)(12). Pub. L. 112-81, § 2824(b)(1), redesignated par. (11) as (12).

Subsec. (b)(2)(E). Pub. L. 112-81, § 314(b)(2), added subpar. (E). Former subpar. (E) redesignated (F).

Subsec. (b)(2)(F). Pub. L. 112-81, § 342(2), added subpar. (F). Former subpar. (F) redesignated (G).

Pub. L. 112-81, § 314(b)(1), redesignated subpar. (E) as (F).

Subsec. (b)(2)(G). Pub. L. 112-81, § 342(1), redesignated subpar. (F) as (G).

Subsec. (b)(4). Pub. L. 112-81, § 2821(b)(4), struck out par. (4) which read as follows: "In this subsection, the term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms."

2009—Subsec. (a). Pub. L. 111-84, in par. (1), inserted "section 2911(e) of this title, section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b)," after "(Public Law 109-58)," added pars. (2), (3), (9), and (10), and redesignated former pars. (2) to (6) as (4) to (8), respectively.

2008—Pub. L. 110-417, § 331(b)(1), amended section catchline generally. Prior to amendment, catchline read as follows: "Annual report".

Subsec. (a). Pub. L. 110-417, § 2832, in heading substituted "Annual Report Related to Installations Energy Management" for "Report Required", in par. (1) inserted "the Energy Independence and Security Act of 2007 (Public Law 110-140)," after "(Public Law 109-58)", and added par. (6).

Subsec. (b). Pub. L. 110-417, § 331(a), added subsec. (b) and struck out former subsec. (b) which related to requirements for the initial report to be submitted by the Secretary of Defense.

§ 2926. Operational energy activities

(a) ALTERNATIVE FUEL ACTIVITIES.—The Assistant Secretary of Defense for Energy, Installations, and Environment, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—

(1) lead the alternative fuel activities of the Department of Defense and oversee the investments of the Department in such activities;

(2) make recommendations to the Secretary regarding the development of alternative fuels

by the military departments and the Office of the Secretary of Defense;

(3) establish guidelines and prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense;

(4) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal agencies to advance alternative fuel development to the benefit of the Department of Defense; and

(5) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (c)(4).

(b) OPERATIONAL ENERGY STRATEGY.—(1) The Assistant Secretary of Defense for Energy, Installations, and Environment shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

(2) The Secretary of each military department shall designate a senior official within each armed force under the jurisdiction of the Secretary who shall be responsible for operational energy plans and programs for that armed force. The officials so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to that official's armed force.

(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.

(4) By authority of the Secretary of Defense, the Assistant Secretary shall prescribe policies and procedures for the implementation of the strategy. The Assistant Secretary shall make recommendations to the Secretary of Defense and Deputy Secretary of Defense and provide guidance to the Secretaries of the military departments and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

(5) Updates to the strategy required by paragraph (1) shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

(c) BUDGETARY AND FINANCIAL MATTERS.—(1) The Assistant Secretary of Defense for Energy, Installations, and Environment shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

(2) The Secretary of Defense shall require that the Secretary of each military department and

the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Assistant Secretary for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

(3) The Assistant Secretary shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Assistant Secretary with respect to the proposed budget, together with the certification of the Assistant Secretary regarding whether the proposed budget is adequate for implementation of the strategy.

(4) Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that were reviewed by the Assistant Secretary under paragraph (3).

(5) For each proposed budget covered by a report under paragraph (4) for which the certification of the Assistant Secretary under paragraph (3) is that the budget is not adequate for implementation of the strategy, the report shall include the following:

(A) A copy of the report set forth in paragraph (3).

(B) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budget.

(C) An appendix prepared by the Chairman of the Joint Chiefs of Staff describing—

(i) the progress made by the Joint Requirements Oversight Council in implementing the energy Key Performance Parameter; and

(ii) details regarding how operational energy is being addressed in defense planning, scenarios, support to strategic analysis, and resulting policy to improve combat capability.

(D) An appendix prepared by the Under Secretary of Defense for Acquisition, Technology, and Logistics certifying that and describing how the acquisition system is addressing operational energy in the procurement process, including long-term sustainment considerations, and how programs are extending combat capability as a result of these considerations.

(E) A separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Assistant Secretary in carrying out the duties of the Assistant Secretary.

(F) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

(6) For each proposed budget covered by a report under paragraph (4) for which the certification of the Assistant Secretary under paragraph (3) is that the budget is adequate for implementation of the strategy, the report shall include the items set forth in subparagraphs (C), (D), and (E) of paragraph (5).

(d) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Assistant Secretary of Defense for Energy, Installations, and Environment the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

(2) The Assistant Secretary shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Assistant Secretary to carry out the duties of the Assistant Secretary.

(Added and amended Pub. L. 113-291, div. A, title IX, §901(g)(1), Dec. 19, 2014, 128 Stat. 3464; Pub. L. 114-92, div. A, title X, §1081(a)(12), (b)(2), Nov. 25, 2015, 129 Stat. 1001.)

CODIFICATION

Subsec. (c)(3) of section 138c of this title, which was transferred to subsec. (a) of this section by Pub. L. 113-291, §901(g)(1)(B), was based on Pub. L. 112-81, div. A, title III, §314(a), Dec. 31, 2011, 125 Stat. 1357. Subsecs. (d) to (f) of section 138c of this title, which were transferred to subsecs. (b) to (d), respectively, of this section by Pub. L. 113-291, §901(g)(1)(D), were based on Pub. L. 110-417, [div. A], title IX, §902(a), Oct. 14, 2008, 122 Stat. 4564; amended Pub. L. 111-383, div. A, title IX, §901(b)(7)(B)-(D), Jan. 7, 2011, 124 Stat. 4320; Pub. L. 112-81, div. A, title III, §311, Dec. 31, 2011, 125 Stat. 1351; Pub. L. 113-66, div. A, title III, §311, Dec. 26, 2013, 127 Stat. 728.

AMENDMENTS

2015—Pub. L. 114-92, §1081(a)(12), substituted “for Energy, Installations, and Environment” for “for Installations, Energy, and Environment” in subsecs. (a) to (d).

Subsec. (b)(4). Pub. L. 114-92, §1081(b)(2), amended directory language of Pub. L. 113-291, §901(g)(1)(F). See 2014 Amendment note below.

2014—Subsec. (a). Pub. L. 113-291, §901(g)(1)(E), inserted “of Defense for Installations, Energy, and Environment” after “The Assistant Secretary” in introductory provisions.

Pub. L. 113-291, §901(g)(1)(B)-(C)(ii), transferred subsec. (c)(3) of section 138c of this title to subsec. (a) of this section, inserted heading, and redesignated subpars. (A) to (E) as pars. (1) to (5), respectively. See Codification note above.

Subsec. (a)(5). Pub. L. 113-291, §901(g)(1)(C)(iii), substituted “subsection (c)(4)” for “subsection (e)(4)”.

Subsec. (b). Pub. L. 113-291, §901(g)(1)(D), transferred subsec. (d) of section 138c of this title to subsec. (b) of this section. See Codification note above.

Subsec. (b)(1). Pub. L. 113-291, §901(g)(1)(E), inserted “of Defense for Installations, Energy, and Environment” after “The Assistant Secretary”.

Subsec. (b)(4). Pub. L. 113-291, §901(g)(1)(F), as amended by Pub. L. 114-92, §1081(b)(2), substituted “make recommendations to the Secretary of Defense and Deputy Secretary of Defense and provide guidance to the Secretaries of the military departments” for “provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments.”

Subsec. (c). Pub. L. 113-291, §901(g)(1)(D), transferred subsec. (e) of section 138c of this title to subsec. (c) of this section. See Codification note above.

Subsec. (c)(1). Pub. L. 113-291, §901(g)(1)(E), inserted “of Defense for Installations, Energy, and Environment” after “The Assistant Secretary”.

Subsec. (c)(4) to (6). Pub. L. 113-291, §901(g)(1)(G), amended pars. (4) to (6) generally. Prior to amendment, pars. (4) to (6) required the Secretary of Defense to report to Congress, by a certain date, on proposed budgets not certified by the Assistant Secretary under par.

(3), including a separate statement of certain estimated expenditures and requested appropriations.

Subsec. (d). Pub. L. 113-291, §901(g)(1)(D), transferred subsec. (f) of section 138c of this title to subsec. (d) of this section. See Codification note above.

Subsec. (d)(1). Pub. L. 113-291, §901(g)(1)(E), inserted “of Defense for Installations, Energy, and Environment” after “the Assistant Secretary”.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-92, div. A, title X, §1081(b), Nov. 25, 2015, 129 Stat. 1001, provided in part that the amendment made by section 1081(b) is effective as of Dec. 19, 2014, and as if included in Pub. L. 113-291 as enacted.

Subtitle B—Army

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AMENDMENTS

2011—Pub. L. 112-81, div. A, title V, §591(a)(2), Dec. 31, 2011, 125 Stat. 1441, added item for chapter 446.
2003—Pub. L. 108-136, div. A, title V, §576(a)(2), Nov. 24, 2003, 117 Stat. 1487, added item for chapter 375.
2000—Pub. L. 106-398, §1 [[div. A], title III, §344(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-71, added item for chapter 434.
1999—Pub. L. 106-65, div. A, title VII, §721(c)(7), Oct. 5, 1999, 113 Stat. 695, substituted “Disposition” for “Inquests; Disposition” and “4712” for “4711” in item for chapter 445.
1994—Pub. L. 103-337, div. A, title XVI, §1672(a), Oct. 5, 1994, 108 Stat. 3015, struck out items for chapters 337 “Appointments as Reserve Officers”, 361 “Separation for Various Reasons”, and 363 “Separation or Transfer to Retired Reserve”.
1993—Pub. L. 103-160, div. A, title VIII, §828(b)(2), Nov. 30, 1993, 107 Stat. 1714, struck out item for chapter 431 “Industrial Mobilization, Research, and Development”.
1987—Pub. L. 100-26, §7(j)(10)(A), Apr. 21, 1987, 101 Stat. 283, substituted “3011” for “3010” as section number in item for chapter 303.
1980—Pub. L. 96-513, title V, §§502(1), 512(1), Dec. 12, 1980, 94 Stat. 2909, 2929, substituted “3010” for “3011” as section number in item for chapter 303, and struck out item for chapter 359 “Separation from Regular Army for Substandard Performance of Duty”, item for chapter 360 “Separation from Regular Army for Moral or Professional Dereliction or in Interests of National Security”, and item for chapter 365 “Retirement for Age”.
1968—Pub. L. 90-377, §3, July 5, 1968, 82 Stat. 288, struck out item for chapter 351 “United States Disciplinary Barracks”.
Pub. L. 90-235, §8(5), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 347 “The Uniform”.
1964—Pub. L. 88-647, title III, §301(11), Oct. 13, 1964, 78 Stat. 1072, struck out item for chapter 405 “Reserve Officers’ Training Corps”.
1960—Pub. L. 86-616, §§2(b), 3(b), July 12, 1960, 74 Stat. 388, 390, substituted “Substandard Performance of Duty” for “Failure to Meet Standards” in item for of chapter 359 and added item for chapter 360.
1958—Pub. L. 85-861, §1(95), Sept. 2, 1958, 72 Stat. 1487, substituted “3841” for “[No present sections]” in item for chapter 363.

PART I—ORGANIZATION

Table with 2 columns: Chap. and Sec.
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AMENDMENTS

1987—Pub. L. 100-26, §7(j)(10)(A), Apr. 21, 1987, 101 Stat. 283, substituted “3011” for “3010” as section number in item for chapter 303.
1980—Pub. L. 96-513, title V, §512(1), Dec. 12, 1980, 94 Stat. 2929, substituted “3010” for “3011” as section number in item for chapter 303.

CHAPTER 301—DEFINITIONS

Table with 2 columns: Sec. and Description
3001. Definitions.

§ 3001. Definitions

In this title, the term “Army” means the Army or Armies referred to in the Constitution