

(c) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The preference required by subsection (a) does not preclude the Secretary of Defense from authorizing the Secretary of a military department or head of a Defense Agency to provide a preference for another vehicle technology that reduces the consumption of fossil fuels if the Secretary of Defense determines that the technology is consistent with the energy performance goals and plan of the Department required by section 2911 of this title.

(Added Pub. L. 111-84, div. B, title XXVIII, §2844(a), Oct. 28, 2009, 123 Stat. 2682; amended Pub. L. 112-81, div. B, title XXVIII, §2821(b)(3), Dec. 31, 2011, 125 Stat. 1691.)

AMENDMENTS

2011—Subsec. (d). Pub. L. 112-81 struck out subsec. (d), which defined “hybrid”.

REGULATIONS

Pub. L. 111-84, div. B, title XXVIII, §2844(c), Oct. 28, 2009, 123 Stat. 2682, provided that: “The Secretary of Defense shall prescribe regulations to implement section 2922g of title 10, United States Code, as added by subsection (a), within one year after the date of the enactment of this Act [Oct. 28, 2009].”

§ 2922h. Limitation on procurement of drop-in fuels

(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not make a bulk purchase of a drop-in fuel for operational purposes unless the fully burdened cost of that drop-in fuel is cost-competitive with the fully burdened cost of a traditional fuel available for the same purpose.

(b) WAIVER.—(1) Subject to the requirements of paragraph (2), the Secretary of Defense may waive the limitation under subsection (a) with respect to a purchase.

(2) Not later than 30 days after issuing a waiver under this subsection, the Secretary shall submit to the congressional defense committees notice of the waiver. Any such notice shall include each of the following:

(A) The rationale of the Secretary for issuing the waiver.

(B) A certification that the waiver is in the national security interest of the United States.

(C) The expected fully burdened cost of the purchase for which the waiver is issued.

(c) DEFINITIONS.—In this section:

(1) The term “drop-in fuel” means a neat or blended liquid hydrocarbon fuel designed as a direct replacement for a traditional fuel with comparable performance characteristics and compatible with existing infrastructure and equipment.

(2) The term “traditional fuel” means a liquid hydrocarbon fuel derived or refined from petroleum.

(3) The term “operational purposes”—

(A) means for the purposes of conducting military operations, including training, exercises, large scale demonstrations, and moving and sustaining military forces and military platforms; and

(B) does not include research, development, testing, evaluation, fuel certification, or other demonstrations.

(4) The term “fully burdened cost” means the commodity price of the fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(Added Pub. L. 114-92, div. A, title III, §311(a), Nov. 25, 2015, 129 Stat. 787.)

SUBCHAPTER III—GENERAL PROVISIONS

Sec. 2924.	Definitions.
2925.	Annual Department of Defense energy management reports.
2926.	Operational energy activities.

AMENDMENTS

2014—Pub. L. 113-291, div. A, title IX, §901(l)(3), Dec. 19, 2014, 128 Stat. 3468, added item 2926.

2011—Pub. L. 112-81, div. B, title XXVIII, §2821(a)(2)(B), Dec. 31, 2011, 125 Stat. 1691, added item 2924.

2008—Pub. L. 110-417, [div. A], title III, §331(b)(2), Oct. 14, 2008, 122 Stat. 4420, added item 2925 and struck out former item 2925 “Annual report”.

§ 2924. Definitions

In this chapter:

(1) The term “defined fuel source” means any of the following:

- (A) Petroleum.
- (B) Natural gas.
- (C) Coal.
- (D) Coke.

(2) The term “energy-efficient maintenance” includes—

(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

- (i) will achieve energy savings over the life-cycle of the equipment or system being repaired; and
- (ii) will meet the same end needs as the equipment or system being repaired; and

(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

(3)(A) The term “energy security” means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.

(B) In selecting facility energy projects that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network. In such cases, projects should be prioritized to provide power for assets critical to mission essential requirements on the installation in the event of a disruption in the commercial grid.

(4) The term “hybrid”, with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(5) 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.

(6) The term “petroleum” means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

(7) The term “renewable energy source” means energy generated from renewable sources, including the following:

(A) Solar, including electricity.

(B) Wind.

(C) Biomass.

(D) Landfill gas.

(E) Ocean, including tidal, wave, current, and thermal.

(F) Geothermal, including electricity and heat pumps.

(G) Municipal solid waste.

(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is “new” if it was placed in service on or after January 1, 1999.

(I) Thermal energy generated by any of the preceding sources.

(Added Pub. L. 112–81, div. B, title XXVIII, § 2821(a)(1), Dec. 31, 2011, 125 Stat. 1689.)

§ 2925. Annual Department of Defense energy management reports

(a) ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—Not later than 120 days 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:

(1) A description of the progress made to achieve the goals of the Energy Policy Act of 2005 (Public Law 109–58), section 2911(e) of this title, section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), the Energy Independence and Security Act of 2007 (Public Law 110–140), and the energy performance goals for the Department of Defense during the preceding fiscal year.

(2) A table detailing funding, by account, for all energy projects funded through appropriations.

(3) A table listing all energy projects financed through third party financing mechanisms (including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, and other contractual mechanisms), the duration of each such mechanism, an estimate of the financial obligation incurred through the duration of each such mechanism,

whether the project incorporates energy security into its design, and the estimated pay-back period for each such mechanism.

(4) A description of the actions taken to implement the energy performance master plan in effect under section 2911 of this title and carry out this chapter during the preceding fiscal year.

(5) A description of the energy savings realized from such actions.

(6) A description of the types and amount of financial incentives received under section 2913 of this title during the preceding fiscal year and the appropriation account or accounts to which the incentives were credited.

(7) A description and estimate of the progress made by the military departments in meeting current high performance and sustainable building standards under the Unified Facilities Criteria.

(8) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations, in order to use the data for better energy management.

(9) Details of all commercial utility outages caused by threats and those caused by hazards at military installations that last eight hours or longer, whether or not the outage was mitigated by backup power, including non-commercial utility outages and Department of Defense-owned infrastructure, including the total number and location of outages, the financial impact of the outages, and measure taken to mitigate outages in the future at the affected locations and across the Department of Defense.

(10) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.

(11) At the discretion of the Secretary of Defense, a classified annex, as appropriate.

(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Assistant Secretary of Defense for Energy, Installations, and Environment, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 138c¹ of this title.

(2) The annual report under this subsection shall address and include the following:

(A) Statistical information on operational energy demands, in terms of expenditures and consumption, for the preceding five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy demands in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

(C) A description of each initiative related to the operational energy strategy and a sum-

¹ See References in Text note below.

mary of funds appropriated for each initiative in the previous fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

(D) An evaluation of progress made by the Department of Defense—

(i) in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

(ii) in meeting the operational energy goals set forth in the strategy.

(E) A description of the alternative fuel initiatives of the Department of Defense, including funding and expenditures by account and activity for the preceding fiscal year, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

(F) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.

(G) Such recommendations as the Assistant Secretary considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Assistant Secretary considers appropriate.

(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of the information required by this subsection.

(Added Pub. L. 109-364, div. B, title XXVIII, §2851(a)(1), Oct. 17, 2006, 120 Stat. 2493; amended Pub. L. 110-417, [div. A], title III, §331(a), (b)(1), div. B, title XXVIII, §2832, Oct. 14, 2008, 122 Stat. 4419, 4420, 4732; Pub. L. 111-84, div. A, title III, §332(a), Oct. 28, 2009, 123 Stat. 2257; Pub. L. 111-383, div. B, title XXVIII, §2832(c)(1), Jan. 7, 2011, 124 Stat. 4469; Pub. L. 112-81, div. A, title III, §§314(b), 342, div. B, title XXVIII, §§2821(b)(4), 2822(d), 2824(b), 2826, Dec. 31, 2011, 125 Stat. 1357, 1370, 1691-1694; Pub. L. 112-239, div. A, title X, §1076(c)(3), (d)(6), Jan. 2, 2013, 126 Stat. 1950, 1951; Pub. L. 113-291, div. A, title IX, §901(k)(4), Dec. 19, 2014, 128 Stat. 3468; Pub. L. 114-92, div. A, title III, §313, Nov. 25, 2015, 129 Stat. 789.)

REFERENCES IN TEXT

The Energy Policy Act of 2005, referred to in subsec. (a)(1), is Pub. L. 109-58, Aug. 8, 2005, 119 Stat. 594, which enacted chapter 149 of Title 42, The Public Health and Welfare, and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of Title 42 and Tables.

The Energy Independence and Security Act of 2007, referred to in subsec. (a)(1), is Pub. L. 110-140, Dec. 19,

2007, 121 Stat. 1492, which enacted chapter 152 of Title 42, The Public Health and Welfare, and enacted and amended numerous other sections and notes in the Code. Section 433 of the Act amended sections 6832 and 6834 of Title 42 and enacted provisions set out as a note under section 6834 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 17001 of Title 42 and Tables.

Section 138c of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 113-291, div. A, title IX, §901(g)(2), Dec. 19, 2014, 128 Stat. 3466. See now section 2926 of this title, enacted by Pub. L. 113-291, which relates to operational energy activities and is largely comprised of provisions transferred from former section 138c.

AMENDMENTS

2015—Subsec. (a)(4). Pub. L. 114-92, §313(1), (2), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “In addition to the information contained in the table listing energy projects financed through third party financing mechanisms, as required by paragraph (3), the table also shall list any renewable energy certificates associated with each project, including information regarding whether the renewable energy certificates were bundled or unbundled, the purchasing authority for the renewable energy certificates, and the price of the associated renewable energy certificates.”

Subsec. (a)(5), (6). Pub. L. 114-92, §313(2), redesignated pars. (6) and (8) as (5) and (6), respectively. Former par. (5) redesignated (4).

Subsec. (a)(7). Pub. L. 114-92, §313(3), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations as required by section 433 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1612).”

Pub. L. 114-92, §313(1), (2), redesignated par. (9) as (7) and struck out former par. (7) which read as follows: “An estimate of the types and quantities of energy consumed by the Department of Defense and members of the armed forces and civilian personnel residing or working on military installations during the preceding fiscal year, including a breakdown of energy consumption by user groups and types of energy, energy costs, and the quantities of renewable energy produced or produced by the Department.”

Subsec. (a)(8). Pub. L. 114-92, §313(2), redesignated par. (10) as (8). Former par. (8) redesignated (6).

Subsec. (a)(9). Pub. L. 114-92, §313(4), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “Details of utility outages at military installations including the total number and locations of outages, the financial impact of the outage, and measures taken to mitigate outages in the future at the affected location and across the Department of Defense.”

Pub. L. 114-92, §313(2) redesignated par. (11) as (9). Former par. (9) redesignated (7).

Subsec. (a)(10). Pub. L. 114-92, §313(2), redesignated par. (12) as (10). Former par. (10) redesignated (8).

Subsec. (a)(11). Pub. L. 114-92, §313(5) added par. (11). Former par. (11) redesignated (9).

Subsec. (a)(12). Pub. L. 114-92, §313(2), redesignated par. (12) as (10).

2014—Subsec. (b)(1). Pub. L. 113-291 substituted “Energy, Installations, and Environment” for “Operational Energy Plans and Programs”.

2013—Subsec. (a)(1). Pub. L. 112-239, §1076(d)(6)(A), substituted “section 553” for “section 533”.

Subsec. (b)(1). Pub. L. 112-239, §1076(c)(3)(A), (d)(6)(B), substituted “Assistant Secretary of Defense for” for “Director of” and “section 138c” for “section 139b”.

Subsec. (b)(2)(G). Pub. L. 112-239, §1076(c)(3)(B), substituted “Assistant Secretary” for “Director” in two places.

2011—Subsec. (a). Pub. L. 112-81, §2826, in introductory provisions, substituted “Not later than 120 days

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

PART I—ORGANIZATION

Table with 2 columns: Chap. and Sec.
301. Definitions 3001
303. Department of the Army 3011
305. The Army Staff 3031
307. The Army 3061

PART II—PERSONNEL

Table with 2 columns: Chap. and Sec.
331. Strength 3201
333. Enlistments 3251
335. Appointments in the Regular Army [337. Repealed.] 3281
339. Temporary Appointments 3441
341. Active Duty 3491
343. Special Appointments, Assignments, Details, and Duties 3531
345. Rank and Command 3571
[347. Repealed.]
349. Miscellaneous Prohibitions and Penalties 3631
[351. Repealed.]
353. Miscellaneous Rights and Benefits 3681
355. Hospitalization 3721
357. Decorations and Awards 3741
[359. Repealed.]
[360. Repealed.]
[361. Repealed.]
[363. Repealed.]
[365. Repealed.]
367. Retirement for Length of Service ... 3911
369. Retired Grade 3961
371. Computation of Retired Pay 3991
373. Civilian Employees 4021
375. Miscellaneous Investigation Requirements and Other Duties 4061

PART III—TRAINING

Table with 2 columns: Chap. and Sec.
401. Training Generally 4301
403. United States Military Academy 4331
[405. Repealed.]
407. Schools and Camps 4411

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Table with 2 columns: Chap. and Sec.
[431. Repealed.]
433. Procurement 4531
434. Armaments Industrial Base 4551
435. Issue of Serviceable Material to Armed Forces 4561
437. Utilities and Services 4591
439. Sale of Serviceable Material 4621
441. Issue of Serviceable Material Other Than to Armed Forces 4651
443. Disposal of Obsolete or Surplus Material 4681

Table with 2 columns: Chap. and Sec.
445. Disposition of Effects of Deceased Persons; Captured Flags 4712
446. Army National Military Cemeteries 4721
447. Transportation 4741
449. Real Property 4771
451. Military Claims 4801
453. Accountability and Responsibility 4831

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.
301. Definitions 3001
303. Department of the Army 3011
305. The Army Staff 3031
307. The Army 3061

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