

**§ 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) 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.

(4) 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.

(5) 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.

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

- (A) Solar, including electricity.
- (B) Wind.
- (C) Biomass.
- (D) Biogas.
- (E) Landfill gas.
- (F) Ocean, including tidal, wave, current, and thermal.
- (G) Geothermal, including electricity and heat pumps.
- (H) Municipal solid waste.
- (I) 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.
- (J) Thermal energy generated by any of the preceding sources.

(7) The term “biomass” has the meaning given the term “renewable biomass” in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(8) The term “biogas” means biogas as such term is used in section 211(o)(1)(B)(ii)(V) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)(ii)(V)).

(Added Pub. L. 112-81, div. B, title XXVIII, §2821(a)(1), Dec. 31, 2011, 125 Stat. 1689; amended Pub. L. 115-91, div. B, title XXVIII, §2831(c)(6), Dec. 12, 2017, 131 Stat. 1858; Pub. L. 117-263, div. A, title III, §318, Dec. 23, 2022, 136 Stat. 2507.)

**Editorial Notes****AMENDMENTS**

2022—Par. (6)(D) to (J). Pub. L. 117-263, §318(1), added subpar. (D) and redesignated former subpars. (D) to (I) as (E) to (J), respectively.

Pars. (7), (8). Pub. L. 117-263, §318(2), added pars. (7) and (8).

2017—Pars. (3) to (7). Pub. L. 115-91 redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which defined “energy security”.

**§ 2925. Annual report on energy performance, resilience, and readiness of Department of Defense**

(a) REPORT REQUIRED.—Not later than 240 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report detailing the fulfillment during that fiscal year of the authorities and requirements under sections 2688, 2911, 2912, 2920, and 2926 of this title, including progress on energy resilience at military installations and the use of operational energy in combat platforms and at contingency locations.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) For the year covered by the report, the following:

(A) A description of the progress made to achieve the goals of the Energy Policy Act of 2005 (Public Law 109-58), section 2911(g) of this title, and the Energy Independence and Security Act of 2007 (Public Law 110-140).

(B) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in subparagraph (A).

(C) A description of and progress toward the energy security, resilience, and performance goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (c) and (d) of section 2911 of this title and requirements under section 2688(g) of this title.

(D) An evaluation of progress made by the Department in implementing the operational energy strategy of the Department, including the progress of key initiatives and technology investments related to operational energy demand and management.

(E) Details of the amounts of any funds transferred by the Secretary of Defense pursuant to section 2912 of this title, including a detailed description of the purpose for which such amounts have been used.

(2) Statistical information on operational energy demands of the Department, in terms of expenditures and consumption, for the preceding five fiscal years, including information on funding made available in regular defense

appropriations Acts and any supplemental appropriations Acts.

(3) A description of each initiative related to the operational energy strategy of the Department and a summary 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.

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

(c) CLASSIFIED FORM.—If a report under subsection (a) is submitted in classified form, the Secretary of Defense shall, concurrently with such report, submit to the congressional defense committees an unclassified version of the report.

(d) CONSOLIDATION.—The Secretary of Defense may consolidate, attach with, or otherwise include in any report required under subsection (a) any annual report or other requirement that is aligned or associated with, or would be better understood if presented as part of a consolidated report addressing energy performance, resilience, and readiness.

(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; Pub. L. 114-328, div. A, title III, §311, Dec. 23, 2016, 130 Stat. 2072; Pub. L. 115-91, div. A, title X, §1081(a)(48), div. B, title XXVIII, §§2831(c)(7), 2836, Dec. 12, 2017, 131 Stat. 1597, 1858, 1859; Pub. L. 115-232, div. A, title III, §§312(c), 314(b)(1), Aug. 13, 2018, 132 Stat. 1710, 1712; Pub. L. 116-92, div. A, title III, §§319(a), 320(a)(2)(B), Dec. 20, 2019, 133 Stat. 1305, 1306; Pub. L. 116-283, div. A, title III, §336(a), Jan. 1, 2021, 134 Stat. 3533; Pub. L. 117-81, div. A, title III, §311(i)(1), Dec. 27, 2021, 135 Stat. 1626; Pub. L. 117-263, div. A, title III, §314(b)(1), Dec. 23, 2022, 136 Stat. 2503.)

### Editorial Notes

#### REFERENCES IN TEXT

The Energy Policy Act of 2005, referred to in subsec. (b)(1)(A), 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. (b)(1)(A), 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. For complete classification of this Act to the Code, see Short Title note set out under section 17001 of Title 42 and Tables.

#### AMENDMENTS

2022—Pub. L. 117-263, §314(b)(1)(B), added subsecs. (a) to (d) and struck out former subsecs. (a) and (b) which related to annual report related to installations energy management, energy resilience, and mission assurance and readiness and annual report related to operational energy, respectively.

Pub. L. 117-263, §314(b)(1)(A), substituted “Annual report on energy performance, resilience, and readiness of Department of Defense” for “Annual Department of Defense energy management reports” in section catchline.

2021—Subsec. (a)(7). Pub. L. 116-283, §336(a)(2), added par. (7). Former par. (7) redesignated (8), then (10).

Subsec. (a)(8). Pub. L. 117-81, §311(i)(1)(B), added par. (8). Former par. (8) redesignated (10).

Pub. L. 116-283, §336(a)(1), redesignated par. (7) as (8), which was subsequently redesignated (10).

Subsec. (a)(9), (10). Pub. L. 117-81 added par. (9) and redesignated par. (8) as (10).

2019—Subsec. (a). Pub. L. 116-92, §319(a)(1), (2), inserted “and Readiness” after “Mission Assurance” in heading and “The Secretary shall ensure that mission operators of critical facilities provide to personnel of military installations any information necessary for the completion of such report.” after “by the Secretary.” in introductory provisions.

Subsec. (a)(3). Pub. L. 116-92, §320(a)(2)(B), substituted “degrading energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number of outages and their locations, the duration of each outage, the financial effect of each outage, whether or not the mission was affected, the downtimes (in minutes or hours) the mission can afford based on mission requirements and risk tolerances, the responsible authority managing the utility, and measures taken to mitigate the outage by the responsible authority.” for “impacting energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number and location of outage, the duration of the outage, the financial impact of the outage, whether or not the mission was impacted, the downtimes (in minutes or hours) these missions can afford based on their mission requirements and risk tolerances, the responsible authority managing the utility, and measure taken to mitigate the outage by the responsible authority.”

Subsec. (a)(4). Pub. L. 116-92, §319(a)(3), substituted “electric and thermal loads” for “megawatts” in introductory provisions.

Subsec. (a)(5). Pub. L. 116-92, §319(a)(4), substituted “electric and thermal loads” for “megawatts”.

2018—Subsec. (a). Pub. L. 115-232, §312(c)(1), inserted “, including progress on energy resilience at military installations according to metrics developed by the Secretary” after “under section 2911 of this title” in introductory provisions.

Subsec. (a)(3). Pub. L. 115-232, §312(c)(2), substituted “the downtimes (in minutes or hours) these missions can afford based on their mission requirements and risk tolerances” for “the mission requirements associated with disruption tolerances based on risk to mission”.

Subsec. (a)(4). Pub. L. 115-232, §312(c)(3), inserted “(including critical energy loads in megawatts and the associated downtime tolerances for critical energy loads)” after “energy requirements and critical energy requirements” in introductory provisions.

Subsec. (a)(5) to (7). Pub. L. 115-232, §312(c)(4), (5), added pars. (5) and (6) and redesignated former par. (5) as (7).

Subsec. (b)(1). Pub. L. 115-232, §314(b)(1), substituted “section 2926(d)” for “section 2926(b)”.

2017—Subsec. (a). Pub. L. 115–91, §2831(c)(7)(A), substituted “Energy Resilience” for “Resiliency” in heading.

Subsec. (a)(1). Pub. L. 115–91, §2836(1), inserted “, including progress on energy resilience at military installations according to metrics developed by the Secretary” before period at end.

Pub. L. 115–91, §2831(c)(7)(B), substituted “2911(g)” for “2911(e)”.

Subsec. (a)(3). Pub. L. 115–91, §2836(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “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.”

Subsec. (a)(4), (5). Pub. L. 115–91, §2836(3), (4), added par. (4) and redesignated former par. (4) as (5).

Subsec. (b)(1). Pub. L. 115–91, §1081(a)(48), substituted “section 2926(b)” for “section 138c”.

2016—Subsec. (a). Pub. L. 114–328, §311(1), inserted “, Resiliency, and Mission Assurance” after “Annual Report Related to Installations Energy Management” in heading.

Subsec. (a)(2) to (11). Pub. L. 114–328, §311(2)–(4), added par. (2), redesignated pars. (9) and (11) as pars. (3) and (4), respectively, and struck out former pars. (2) to (8) and (10), which required various tables and descriptions in reports.

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 procured 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:” for “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 re-

quirements for the initial report to be submitted by the Secretary of Defense.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title III, §336(b), Jan. 1, 2021, 134 Stat. 3533, provided that: “The reporting requirement under paragraph (7) of section 2925(a) of title 10, United States Code, as added by subsection (a) of this section, applies to reports submitted under such section 2925 for fiscal year 2021 and thereafter.”

#### USE OF ASSESSMENT TOOL

Pub. L. 117-81, div. A, title III, §311(i)(2), Dec. 27, 2021, 135 Stat. 1627, provided that: “The Secretary [of Defense] shall use the Climate Vulnerability and Risk Assessment Tool of the Department [of Defense] (or such successor tool) in preparing each report under section 2925(a) of title 10, United States Code (as amended by paragraph (1) [section 2925(a) of this title struck out, and new section 2925(a) of this title added, by Pub. L. 117-263, see 2022 Amendment note above].”

### § 2926. Operational energy

(a) OPERATIONAL ENERGY POLICY.—In carrying out section 2911(a) of this title, the Secretary of Defense shall ensure the types, availability, and use of operational energy promote the readiness of the armed forces for their military missions in contested logistics environments.

(b) RESPONSIBILITIES.—The Secretary of Defense shall—

(1) require the Secretaries concerned and the commanders of the combatant commands to assess the energy supportability in contested logistics environments of systems, capabilities, and plans;

(2) authorize the use of energy security, cost of backup power, supportability in contested logistics environments, and energy resilience as factors in the cost-benefit analysis for procurement of operational equipment; and

(3) in selecting equipment that will use operational energy, give favorable consideration to the acquisition of equipment that enhances energy security, energy resilience, energy conservation, and reduces logistical vulnerabilities in contested logistics environments.

(c) FUNCTIONS OF THE ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT.—The Assistant Secretary of Defense for Energy, Installations, and Environment, in consultation with the heads of the appropriate Department of Defense components and in coordination with the working group under subsection (d), shall—

(1) oversee the operational energy activities of the Department of Defense, including the activities of the working group established under subsection (d), and oversee the investments of the Department in such activities;

(2) make recommendations to the Secretary regarding the policies and investments that affect the use of operational energy across the Department of Defense, taking into account the findings of the working group under subsection (d);

(3) establish guidelines and recommend to the Secretary policy to improve warfighting capability through energy security and energy

resilience, taking into account the findings of the working group under subsection (d);

(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 (f)(4).

(d) WORKING GROUP.—(1) The Secretary of Defense shall establish a working group to integrate efforts to mitigate contested logistics challenges through the reduction of operational energy demand that are carried out within each armed force, across the armed forces, and with the Office of the Secretary of Defense and to conduct other coordinated functions relating to such efforts.

(2) The head of the working group under paragraph (1) shall be the Assistant Secretary of Defense for Energy, Installations, and Environment. The Assistant Secretary shall supervise the members of the working group and provide guidance to such members with respect to specific operational energy plans and programs to be carried out pursuant to the strategy under subsection (e).

(3) The members of the working group under paragraph (1) shall be as follows:

(A) A senior official of each armed force, who shall be nominated by the Secretary concerned and confirmed by the Senate to represent such armed force.

(B) A senior official from each geographic and functional combatant command, who shall be appointed by the commander of the respective combatant command to represent such combatant command.

(C) A senior official under the jurisdiction of the Chairman of the Joint Chiefs of Staff, who shall be appointed by the Chairman to represent the Joint Chiefs of Staff and the Joint Staff.

(D) A senior official of the Defense Logistics Agency, who shall be appointed by the Director of the Defense Logistics Agency to represent the Defense Logistics Agency.

(E) An official of the Office of the Under Secretary of Defense for Research and Engineering, who shall be nominated by the Secretary of Defense and confirmed by the Senate to represent such Office.

(F) The Assistant Secretary of Defense for Acquisition, who shall represent the Office of the Under Secretary of Defense for Acquisition.

(G) The Assistant Secretary of Defense for Sustainment, who shall represent the Office of the Assistant Secretary of Defense for Sustainment.

(4) Each member of the working group shall be responsible for carrying out operational energy plans and programs and implementing coordinated initiatives, or developing capabilities for such purposes, pursuant to the strategy under subsection (e) for the respective component of the Department that the member represents.