

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c)(4) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

Subtitle B—Army

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quests; 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.

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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 “In-

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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

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§ 3001. Definitions

In this title, the term “Army” means the Army or Armies referred to in the Constitution of the United States, less that part established by law as the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 157; Pub. L. 100-26, §7(k)(8), Apr. 21, 1987, 101 Stat. 284.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|-----------------------|--|
| 3001 | 5:181-3(a), 10:1a(a). | June 28, 1950, ch. 383, §2(a), 64 Stat. 263. |

The words “Army of the United States” and “are synonymous and” are omitted as surplusage, since the term “Army” is used throughout the revised title. 5:181-3(a) (last sentence) and 10:1a(a) (last sentence) are omitted as surplusage.