

**§ 2925. Annual Department of Defense energy management reports**

(a) ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT, ENERGY RESILIENCE, AND MISSION ASSURANCE AND READINESS.—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, including progress on energy resilience at military installations according to metrics developed by the Secretary. 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. 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(g) 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, including progress on energy resilience at military installations according to metrics developed by the Secretary.

(2) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in paragraph (1).

(3) Details of all utility outages 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.

(4) Details of a military installation's total energy requirements and critical energy requirements (including critical energy loads in electric and thermal loads and the associated downtime tolerances for critical energy loads), and the current energy resilience and emergency backup systems servicing critical energy requirements, including, at a minimum—

- (A) energy resilience and emergency backup system power requirements;
- (B) the critical missions, facility, or facilities serviced;
- (C) system service life;
- (D) capital, operations, maintenance, and testing costs; and
- (E) other information the Secretary determines necessary.

(5) A list of energy resilience projects awarded by the Department of Defense by military department and military installation, whether

appropriated or alternative financed for the reporting fiscal year, including project description, award date, the critical energy requirements serviced (including critical energy loads in electric and thermal loads), expected reliability of the project (as indicated in the awarded contract), life cycle costs, savings to investment, fuel type, and the type of appropriation or alternative financing used.

(6) A list of energy resilience projects planned by the Department of Defense by military department and military installation, whether appropriated or alternative financed for the next two fiscal years, including project description, fuel type, expected award date, and the type of appropriation or alternative financing expected for use.

(7) A description of the use of energy savings performance contracts (in this paragraph referred to as “ESPCs”) by the Department of Defense, including—

- (A) the total investment value of the total number of ESPCs per service for the previous five fiscal years;
- (B) the location of facilities with ESPCs for the previous five fiscal years;
- (C) any limitations on expanding ESPCs throughout the Department of Defense;
- (D) the effect ESPCs have on military readiness; and
- (E) any additional information the Secretary determines relevant.

(8) 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 2926(d) 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 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.

(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; 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.)

#### 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.

#### AMENDMENTS

2021—Subsec. (a)(7), (8). Pub. L. 116-283 added par. (7) and redesignated former par. (7) as (8).

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

#### 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.”

#### TERMINATION OF REPORTING REQUIREMENTS

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

**§ 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.

(b) AUTHORITIES.—The Secretary of Defense may—

(1) require the Secretary of a military department or the commander of a combatant command to assess the energy supportability of systems, capabilities, and plans;

(2) authorize the use of energy security, cost of backup power, 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.

(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, shall—

(1) oversee the operational energy activities of the Department of Defense 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;

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

(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 (e)(4).

(d) 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 the 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.

(e) 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.