§ 138c. Assistant Secretary of Defense for Operational Energy Plans and Programs

(a) Appointment.— The Assistant Secretary of Defense for Operational Energy Plans and Programs shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Assistant Secretary.

(b) Duties.— The Assistant Secretary shall—

(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

(2) establish the operational energy strategy;

(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—

(A) implementation of the operational energy strategy;

(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

(C) research and development investments related to operational energy demand and supply technologies; and

(4) monitor and review all operational energy initiatives in the Department of Defense.

(c) Principal Advisor for Operational Energy Plans and Programs.—

(1) The Assistant Secretary is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

(2) The Assistant Secretary may communicate views on matters related to operational energy plans and programs and the operational energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

(3) The Assistant Secretary, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—

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

(B) make recommendations to the Secretary regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense;

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

(D) 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

(E) 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 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 provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, 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 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 the Assistant Secretary has not certified under paragraph (3). The report shall include the following:

(A) 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 budgets.

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

(5) The report required by paragraph (4) shall also include 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) Access to Initiative Results and Records.—

(1) The Secretary of a military department shall submit to the Assistant Secretary 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.

(g) Staff.— The Assistant Secretary shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Assistant Secretary to carry out the duties and responsibilities of the Assistant Secretary.

(h) Definitions.— In this section:

(1) Operational energy.— 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.

(2) Operational energy strategy.— The terms “operational energy strategy” and “strategy” mean the operational energy strategy developed under subsection (d).