SEC. 819. MODIFICATION OF LIMITATIONS ON PROCUREMENT OF PHOTOVOLTAIC DEVICES BY THE DEPARTMENT OF DEFENSE.

Subsection (b)(1) of section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4285; 10 U.S.C. 2534 note) is amended by striking "and" at the end and inserting "or".

Section-by-Section Analysis

The proposal would modify existing law to provide additional acquisition opportunities for the Department of Defense with respect to photovoltaic devices.

Changes to Existing Law: This proposal would make the following changes to section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4285; 10 U.S.C. 2534 note):

SEC. 846. PROCUREMENT OF PHOTOVOLTAIC DEVICES.

(a) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in subsection (b) awarded by the Department of Defense includes a provision requiring the photovoltaic devices provided under the contract to comply with the Buy American Act (41 U.S.C. 10a et seq.), subject to the exceptions to that Act provided in the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.) or otherwise provided by law.

(b) CONTRACTS DESCRIBED.—The contracts described in this subsection include energy savings performance contracts, utility service contracts, land leases, and private housing contracts, to the extent that such contracts result in ownership of photovoltaic devices by the Department of Defense. For the purposes of this section, the Department of Defense is deemed to own a photovoltaic device if the device is—

(1) installed on Department of Defense property or in a facility owned by the Department of Defense; ~~and~~ <u>or</u>

(2) reserved for the exclusive use of the Department of Defense for the full economic life of the device.

(c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this section, the term "photovoltaic devices"' means devices that convert light directly into electricity through a solid-state, semiconductor process.