

**AMENDMENT TO H.R. 4310, AS REPORTED  
OFFERED BY MR. HINCHEY OF NEW YORK**

At the end of title VIII, add the following new section:

1 **SEC. 833. APPLICABILITY OF BUY AMERICAN ACT TO PRO-**  
2 **CUREMENT OF PHOTOVOLTAIC DEVICES BY**  
3 **DEPARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Section 2534 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

8 “(1) CONTRACT REQUIREMENT.—The Secretary  
9 of Defense shall ensure that each contract described  
10 in paragraph (2) awarded by the Department of De-  
11 fense includes a provision requiring any photovoltaic  
12 devices installed pursuant to the contract, or pursu-  
13 ant to a subcontract under the contract, to comply  
14 with the provisions of chapter 83 of title 41 (com-  
15 monly known as the ‘Buy American Act’), without  
16 regard to whether the contract results in ownership  
17 of the photovoltaic devices by the Department.

18 “(2) CONTRACTS DESCRIBED.—The contracts  
19 described in this paragraph include energy savings

1 performance contracts, utility service contracts,  
2 power purchase agreements, land leases, and private  
3 housing contracts pursuant to which any photo-  
4 voltaic devices are installed on property or in a facil-  
5 ity—

6 “(A) owned by the Department of Defense;

7 “(B) leased to the Department of Defense;

8 or

9 “(C) with respect to which the Secretary of  
10 the military department concerned has exer-  
11 cised any authority provided under subchapter  
12 IV of chapter 169 of this title (relating to alter-  
13 native authority for the acquisition and im-  
14 provement of military housing).

15 “(3) CONSISTENCY WITH INTERNATIONAL OBLI-  
16 GATIONS.—Paragraph (1) shall be applied in a man-  
17 ner consistent with the obligations of the United  
18 States under international agreements.

19 “(4) DEFINITION OF PHOTOVOLTAIC DE-  
20 VICES.—In this subsection, the term ‘photovoltaic  
21 devices’ means devices that convert light directly  
22 into electricity.

23 “(5) EFFECTIVE DATE AND SUNSET.—This  
24 subsection applies to photovoltaic devices procured  
25 or installed on or after the date that is 30 days after

1 the date of the enactment of the National Defense  
2 Authorization Act for Fiscal Year 2013 pursuant to  
3 contracts entered into before, on, or after such date  
4 of enactment, and before September 30, 2013.”.

5 (b) CONFORMING REPEAL.—Section 846 of the Ike  
6 Skelton National Defense Authorization Act for Fiscal  
7 Year 2011 (10 U.S.C. 2534 note) is repealed.

