

CLIENT ALERT

It's Not Easy Being Green: DoD Tightens up Domestic Preference Restrictions on Photovoltaic Devices

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On May 26, 2015, DoD issued a [proposed rule](#) to implement further restrictions on the acquisition of domestic photovoltaic (PV) devices mandated by the FY 2015 National Defense Authorization Act. In addition to *broadening* the scope of application (*i.e.*, applying the restriction when the PV device is installed on DoD property or a facility owned by DoD *or* if the device is reserved for the exclusive use of DoD for its full economic life cycle), DoD has *narrowed* the applicable exceptions (*e.g.*, the component prong of the country of origin test is no longer waived for commercially available, off-the-shelf items and acquisition of qualifying country PV devices requires an individual public interest determination), which will make it even harder for suppliers to comply.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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