.....

(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend section 8302 of title 41, United States Code, to require Buy American Act requirements to apply to solar power purchase agreements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RYAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend section 8302 of title 41, United States Code, to require Buy American Act requirements to apply to solar power purchase agreements, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ensuring America Gets Legitimate Energy Sourced, Originating, and Leased At home Reliably Act'' or the ''EAGLE SOLAR Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Solar cells were first invented in the United States in 1954 at Bell Labs. The United States went on to lead the world in the 1960's and 1970's in the development of this technology with the help of government-funded research and development and private research organizations.

(2) In 2005, the State Council of the People's Republic of China (PRC) identified solar power as a key strategic growth industry. The Chinese government subsequently poured billions of dollars into their solar industry and funded massive losses for solar companies to corner the global market. By 2011, China's share of global solar manufacturing exceeded 60 percent.

(3) In October 2012, the Department of Commerce released its affirmative final determination that Chinese producers and exporters had been selling solar cells in the United States at dumping margins ranging from 18.32 to 249.96 percent. Commerce also determined that Chinese producers and exporters had received countervailable subsidies of 14.78 to 15.97 percent.

(4) In January 2018, the United States implemented safeguard tariffs on solar cells and modules

imported from China based on the investigations, findings, and recommendations of the independent, bipartisan U.S. International Trade Commission (ITC).

(5) Several United States solar module manufacturers substantially increased production because of the 2018 tariffs on imported solar cells and modules. The ITC found that from, ''2012 to 2016, the volume of solar generation capacity installed annually in the United States more than tripled, spurred on by artificially low-priced solar cells and modules from China''. According to the ITC, in the same period, ''imports grew by approximately 500 percent, and prices dropped precipitously. Prices for solar cells and modules fell by 60 percent, to a point where most U.S. producers ceased domestic production, moved their facilities to other countries, or declared bankruptcy.''. The ITC determined increased solar cell and module imports to be a substantial cause of serious injury to the domestic industry.

(6) In the years since, the PRC has attempted to circumvent United States tariffs by shifting production to Malaysia, Thailand, Vietnam, and Cambodia, an issue the Department of Commerce is currently investigating.

(7) Renewable energy is among the key industries of the Chinese Communist Party's Made in China 2025 strategic plan, and it is therefore crucial that Congress appropriate necessary funds and pursue policies that drive innovation, encourage investment, and spur growth in this sector.

(8) Made in China 2025 includes self-sufficiency quotas that violate World Trade Organization rules against technology substitution. The PRC has repeatedly chosen to ignore free market norms and flout rules-based trade through foreign acquisitions, forced technology transfer agreements, and commercial cyber espionage, in addition to other restrictive market practices.

(9) The PRC has 64 percent of global production capacity of polysilicon, a key raw material in the solar panel supply chain. Approximately half of China's polysilicon production occurs in the western Xinjiang province, where the PRC relies on coal-fired power plants and forced Uyghur labor to account for about half of today's global polysilicon output.

(10) The United States has recognized the ongoing genocide of the Uyghurs in Xinjiang and has prioritized combating forced labor with the over-

whelmingly bipartisan passage and December 23, 2021, signing of the Uyghur Forced Labor Prevention Act.

(11) Over 1.3 million photovoltaic systems were installed in the United States in 2016, more than four times the level of 2012. The American solar industry employed approximately 249,983 people in the United States in 2019, a 167 percent increase from the number of people employed in the industry in 2010.

(12) According to the Department of Energy, solar could account for as much as 40 percent of the Nation's electricity supply by 2035 and 45 percent by 2050.

(13) Significant majorities of Americans support the domestic manufacturing of solar panels, adding solar panel farms, and expanding the Buy American Act to further support United States domestic solar manufacturers. Most Americans support expanding the Buy American Act so that the Federal Government is required to purchase renewable energy produced by equipment manufactured in the United States.

(14) A resilient domestic solar supply chain will become increasingly vital to the economic, energy,

and national security of the United States. The solar energy used to power the Federal Government cannot come from solar panels produced in coal-fired power plants, by forced labor, and shipped from the PRC. Expanding Buy American to include solar power purchase agreements will ensure that the renewable energy that powers the Federal Government comes from domestically manufactured solar panels.

SEC. 3. APPLICATION OF THE BUY AMERICAN ACT TO SOLAR POWER PURCHASE AGREEMENTS.

(a) AMENDMENTS.—Chapter 83 of title 41, United States Code, is amended—

(1) in section 8301, by adding at the end the following new paragraphs:

''(4) INTEGRATED MODULE.—The term 'integrated module' means a solar module produced by a single manufacturer through the conversion of a photovoltaic wafer or other semiconductor material into an end product which is—

''(A) suitable to generate electricity when exposed to sunlight; and

''(B) ready for installation without additional manufacturing processes.

''(5) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic

cells into an environmentally protected final assembly which is—

"(A) suitable to generate electricity when exposed to sunlight; and

"(B) ready for installation without an additional manufacturing process.

"(6) SOLAR POWER PURCHASE AGREEMENT.—The term 'solar power purchase agreement' means an energy savings performance contract authorized under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287), a contract under section 2922a of title 10, a utility energy service contract authorized under section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256), or other agreement of the Federal Government, to acquire electricity or, in the case of a renewable energy certificate or similar instrument, solar energy attributes, produced by—

"(A) solar modules, including integrated modules, installed or otherwise used on Government property or at a facility owned or controlled by the Government; or

"(B) a facility that uses solar energy to generate electricity where any of the electricity

generated is reserved for the use or benefit of the Government.'';

(2) in section 8302, by adding at the end the following new subsection:

''(d) APPLICABILITY TO SOLAR POWER PURCHASE AGREEMENTS.—This section applies with respect to any solar module, including any integrated module, that is used to generate electricity provided under a solar power purchase agreement.''; and

(3) in section 8303, by adding at the end the following new subsection:

''(e) APPLICABILITY TO SOLAR POWER PURCHASE AGREEMENTS.—This section applies with respect to any solar module, including any integrated module, that is used to generate electricity provided under a solar power purchase agreement.''.

(b) APPLICABILITY.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act and apply with respect to any solar power purchase agreement entered into on or after such date.