

117TH CONGRESS
2D SESSION

H. R. 8124

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

JUNE 16, 2022

Mr. RYAN (for himself, Ms. KAPTUR, and Mr. DEFazio) introduced the following bill; which was referred to the Committee on Oversight and Reform

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

7 (2) In 2005, the State Council of the People's
8 Republic of China (PRC) identified solar power as a
9 key strategic growth industry. The Chinese Govern-
10 ment subsequently poured billions of dollars into
11 their solar industry and funded massive losses for
12 solar companies to corner the global market. By
13 2011, China's share of global solar manufacturing
14 exceeded 60 percent.

15 (3) In October 2012, the Department of Com-
16 merce released its affirmative final determination
17 that Chinese producers and exporters had been sell-
18 ing solar cells in the United States at dumping mar-
19 gins ranging from 18.32 to 249.96 percent. Com-
20 merce also determined that Chinese producers and
21 exporters had received countervailable subsidies of
22 14.78 to 15.97 percent.

23 (4) In January 2018, the United States imple-
24 mented safeguard tariffs on solar cells and modules
25 imported from China based on the investigations,

1 findings, and recommendations of the independent,
2 bipartisan U.S. International Trade Commission
3 (ITC).

4 (5) Several United States solar module manu-
5 facturers substantially increased production because
6 of the 2018 tariffs on imported solar cells and mod-
7 ules. The ITC found that from, “2012 to 2016, the
8 volume of solar generation capacity installed annu-
9 ally in the United States more than tripled, spurred
10 on by artificially low-priced solar cells and modules
11 from China”. According to the ITC, in the same pe-
12 riod, “imports grew by approximately 500 percent,
13 and prices dropped precipitously. Prices for solar
14 cells and modules fell by 60 percent, to a point
15 where most U.S. producers ceased domestic produc-
16 tion, moved their facilities to other countries, or de-
17 clared bankruptcy.”. The ITC determined increased
18 solar cell and module imports to be a substantial
19 cause of serious injury to the domestic industry.

20 (6) In the years since, the PRC has attempted
21 to circumvent United States tariffs by shifting pro-
22 duction to Malaysia, Thailand, Vietnam, and Cam-
23 bodia, an issue the Department of Commerce is cur-
24 rently investigating.

1 (7) Renewable energy is among the key indus-
2 tries of the Chinese Communist Party's Made in
3 China 2025 strategic plan, and it is therefore crucial
4 that Congress appropriate necessary funds and pur-
5 sue policies that drive innovation, encourage invest-
6 ment, and spur growth in this sector.

7 (8) Made in China 2025 includes self-suffi-
8 ciency quotas that violate World Trade Organization
9 rules against technology substitution. The PRC has
10 repeatedly chosen to ignore free market norms and
11 flout rules-based trade through foreign acquisitions,
12 forced technology transfer agreements, and commer-
13 cial cyber espionage, in addition to other restrictive
14 market practices.

15 (9) The PRC has 64 percent of global produc-
16 tion capacity of polysilicon, a key raw material in
17 the solar panel supply chain. Approximately half of
18 China's polysilicon production occurs in the western
19 Xinjiang province, where the PRC relies on coal-
20 fired power plants and forced Uyghur labor to ac-
21 count for about half of today's global polysilicon out-
22 put.

23 (10) The United States has recognized the on-
24 going genocide of the Uyghurs in Xinjiang and has
25 prioritized combating forced labor with the over-

1 whelmingly bipartisan passage and December 23,
2 2021, signing of the Uyghur Forced Labor Preven-
3 tion Act.

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

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

15 (13) Significant majorities of Americans sup-
16 port the domestic manufacturing of solar panels,
17 adding solar panel farms, and expanding the Buy
18 American Act to further support United States do-
19 mestic solar manufacturers. Most Americans support
20 expanding the Buy American Act so that the Fed-
21 eral Government is required to purchase renewable
22 energy produced by equipment manufactured in the
23 United States.

24 (14) A resilient domestic solar supply chain will
25 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

1 cells into an environmentally protected final assem-
2 bly which is—

3 “(A) suitable to generate electricity when
4 exposed to sunlight; and

5 “(B) ready for installation without an ad-
6 ditional manufacturing process.

7 “(6) SOLAR POWER PURCHASE AGREEMENT.—

8 The term ‘solar power purchase agreement’ means
9 an energy savings performance contract authorized
10 under section 801 of the National Energy Conserva-
11 tion Policy Act (42 U.S.C. 8287), a contract under
12 section 2922a of title 10, a utility energy service
13 contract authorized under section 546 of the Na-
14 tional Energy Conservation Policy Act (42 U.S.C.
15 8256), or other agreement of the Federal Govern-
16 ment, to acquire electricity or, in the case of a re-
17 newable energy certificate or similar instrument,
18 solar energy attributes, produced by—

19 “(A) solar modules, including integrated
20 modules, installed or otherwise used on Govern-
21 ment property or at a facility owned or con-
22 trolled by the Government; or

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

1 generated is reserved for the use or benefit of
2 the Government.”;

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

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

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

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

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

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