

111TH CONGRESS
2^D SESSION

H. R. 5792

To require 100 percent domestic content in green technologies purchased by Federal agencies or by States with Federal funds and in property eligible for the renewable energy production or investment tax credits.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2010

Mr. GARAMENDI (for himself, Mr. PERRIELLO, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. DEFazio, Mr. HARE, Ms. SUTTON, Mr. SCHAUER, Mr. HINCHEY, Ms. KAPTUR, Mr. PERLMUTTER, and Mr. KAGEN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require 100 percent domestic content in green technologies purchased by Federal agencies or by States with Federal funds and in property eligible for the renewable energy production or investment tax credits.

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 “Manufacture Renew-
5 able Energy Systems: Make it in America Act of 2010”.

1 **SEC. 2. REQUIREMENTS FOR PURCHASE OF GREEN TECH-**
2 **NOLOGIES WITH 100 PERCENT DOMESTIC**
3 **CONTENT FOR USE BY FEDERAL GOVERN-**
4 **MENT AND STATES.**

5 (a) **REQUIREMENT FOR PURCHASES BY FEDERAL**
6 **GOVERNMENT.**—Notwithstanding the Buy American Act
7 (41 U.S.C. 10a et seq.) and subject to subsection (c), only
8 green technologies that are 100 percent manufactured in
9 the United States, from articles, materials, or supplies 100
10 percent of which are grown, produced, or manufactured
11 in the United States, may be acquired for use by the Fed-
12 eral Government.

13 (b) **REQUIREMENT FOR PURCHASES BY STATES**
14 **USING FEDERAL FUNDS.**—Subject to subsection (c), Fed-
15 eral funds may not be provided to a State for the purchase
16 of green technologies unless the State agrees that the
17 funds shall be used to purchase only green technologies
18 that are 100 percent manufactured in the United States,
19 from articles, materials, or supplies 100 percent of which
20 are grown, produced, or manufactured in the United
21 States.

22 (c) **PHASE-IN OF REQUIREMENT.**—During the first
23 three fiscal years occurring after the date of the enactment
24 of this Act, subsections (a) and (b) shall be applied—

1 (1) during the first fiscal year beginning after
2 such date of enactment, by substituting “30 per-
3 cent” for “100 percent”;

4 (2) during the second fiscal year beginning
5 after such date of enactment, by substituting “50
6 percent” for “100 percent”; and

7 (3) during the third fiscal year beginning after
8 such date of enactment, by substituting “80 per-
9 cent” for “100 percent”.

10 (d) GREEN TECHNOLOGIES DEFINED.—In this Act,
11 the term “green technologies” means renewable energy
12 and energy efficiency products and services that—

13 (1) reduce dependence on unreliable sources of
14 energy by encouraging the use of sustainable bio-
15 mass, wind, small-scale hydroelectric, solar, geo-
16 thermal, and other renewable energy and energy effi-
17 ciency products and services; and

18 (2) use hybrid fossil-renewable energy systems.

19 (e) EFFECTIVE DATE.—This section shall apply to
20 purchases of green technologies on and after October 1
21 of the first fiscal year beginning after the date of the en-
22 actment of this Act.

1 **SEC. 3. RENEWABLE ENERGY PRODUCTION AND INVEST-**
2 **MENT TAX CREDITS LIMITED TO DOMESTI-**
3 **CALLY PRODUCED PROPERTY.**

4 (a) CREDIT FOR ELECTRICITY PRODUCED FROM
5 CERTAIN RENEWABLE RESOURCES.—Subsection (d) of
6 section 45 of the Internal Revenue Code of 1986 is amend-
7 ed by adding at the end the following new paragraph:

8 “(12) DOMESTIC CONTENT REQUIREMENT.—

9 “(A) IN GENERAL.—In the case of any fa-
10 cility originally placed in service after December
11 31, 2010, such facility shall not be treated as
12 a qualified facility for purposes of this section
13 unless such facility is 100 percent manufac-
14 tured in the United States, from articles, mate-
15 rials, or supplies 100 percent of which are
16 grown, produced, or manufactured in the
17 United States.

18 “(B) TRANSITIONAL RULE.—In the case of
19 any facility originally placed in service before
20 January 1, 2014, subparagraph (A) shall be ap-
21 plied—

22 “(i) in the case a facility originally
23 placed in service during 2011, by sub-
24 stituting ‘30 percent’ for ‘100 percent’
25 both places it appears,

1 “(ii) in the case a facility originally
2 placed in service during 2012, by sub-
3 stituting ‘50 percent’ for ‘100 percent’
4 both places it appears, and

5 “(iii) in the case a facility originally
6 placed in service during 2013, by sub-
7 stituting ‘80 percent’ for ‘100 percent’
8 both places it appears.”.

9 (b) INVESTMENT ENERGY CREDIT.—Section 48 of
10 such Code is amended by adding at the end the following
11 new subsection:

12 “(e) DOMESTIC CONTENT REQUIREMENT.—

13 “(1) IN GENERAL.—In the case of any property
14 for any period after December 31, 2010, such prop-
15 erty shall not be treated as energy property for pur-
16 poses of this section unless such property is 100 per-
17 cent manufactured in the United States, from arti-
18 cles, materials, or supplies 100 percent of which are
19 grown, produced, or manufactured in the United
20 States.

21 “(2) TRANSITIONAL RULE.—In the case of any
22 property for any period before January 1, 2014,
23 paragraph (1) shall be applied—

1 “(A) in the case of any period during
2 2011, by substituting ‘30 percent’ for ‘100 per-
3 cent’ both places it appears,

4 “(B) in the case of any period during
5 2012, by substituting ‘50 percent’ for ‘100 per-
6 cent’ both places it appears, and

7 “(C) in the case of any period during
8 2013, by substituting ‘80 percent’ for ‘100 per-
9 cent’ both places it appears.”.

10 (c) EFFECTIVE DATES.—

11 (1) PRODUCTION CREDIT.—The amendments
12 made by subsection (a) shall apply to facilities origi-
13 nally placed in service after December 31, 2010.

14 (2) INVESTMENT CREDIT.—The amendments
15 made by subsection (b) shall apply to periods after
16 December 31, 2010, under rules similar to the rules
17 of section 48(m) of the Internal Revenue Code of
18 1986 (as in effect on the day before the date of the
19 enactment of the Revenue Reconciliation Act of
20 1990).

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