

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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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