

113TH CONGRESS  
1ST SESSION

# H. R. 1524

To require 85 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

APRIL 12, 2013

Mr. GARAMENDI (for himself, Mr. CONYERS, Mr. DEFazio, Mr. DUNCAN of Tennessee, Mr. GRIJALVA, Mr. KILDEE, Ms. LEE of California, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Mr. YARMUTH, Mr. HOYER, Mr. NOLAN, Mr. ANDREWS, Mr. HIGGINS, Mr. CROWLEY, and Ms. KAPTUR) 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 85 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Make it in America:  
3 Create Clean Energy Manufacturing Jobs in America  
4 Act”.

5 **SEC. 2. REQUIREMENTS FOR PURCHASE OF GREEN TECH-**  
6 **NOLOGIES WITH 85 PERCENT DOMESTIC CON-**  
7 **TENT FOR USE BY FEDERAL GOVERNMENT**  
8 **AND STATES.**

9 (a) REQUIREMENT FOR PURCHASES BY FEDERAL  
10 GOVERNMENT.—Notwithstanding chapter 83 of title 41,  
11 United States Code (popularly referred to as the Buy  
12 American Act), and subject to subsection (c), only green  
13 technologies that are 85 percent manufactured in the  
14 United States, from articles, materials, or supplies 85 per-  
15 cent of which are grown, produced, or manufactured in  
16 the United States, may be acquired for use by the Federal  
17 Government.

18 (b) REQUIREMENT FOR PURCHASES BY STATES  
19 USING FEDERAL FUNDS.—Subject to subsection (c), Fed-  
20 eral funds may not be provided to a State for the purchase  
21 of green technologies unless the State agrees that the  
22 funds shall be used to purchase only green technologies  
23 that are 85 percent manufactured in the United States,  
24 from articles, materials, or supplies 85 percent of which  
25 are grown, produced, or manufactured in the United  
26 States.

1 (c) PHASE-IN OF REQUIREMENT.—During the first  
2 two fiscal years occurring after the date of the enactment  
3 of this Act, subsections (a) and (b) shall be applied—

4 (1) during the first fiscal year beginning after  
5 such date of enactment, by substituting “50 per-  
6 cent” for “85 percent”; and

7 (2) during the second fiscal year beginning  
8 after such date of enactment, by substituting “60  
9 percent” for “85 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 the date  
11 of the enactment of the Make it in America:  
12 Create Clean Energy Manufacturing Jobs in  
13 America Act, such facility shall not be treated  
14 as a qualified facility for purposes of this sec-  
15 tion unless such facility is 85 percent manufac-  
16 tured in the United States, from articles, mate-  
17 rials, or supplies 85 percent of which are  
18 grown, produced, or manufactured in the  
19 United States.

20 “(B) TRANSITIONAL RULE.—In the case of  
21 any facility originally placed in service before  
22 January 1, 2015, subparagraph (A) shall be ap-  
23 plied—

24 “(i) in the case a facility originally  
25 placed in service during 2013, by sub-

1           stituting ‘50 percent’ for ‘85 percent’ both  
2           places it appears, and

3                   “(ii) in the case a facility originally  
4           placed in service during 2014, by sub-  
5           stituting ‘60 percent’ for ‘85 percent’ both  
6           places it appears.”.

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

10           “(e) DOMESTIC CONTENT REQUIREMENT.—

11                   “(1) IN GENERAL.—In the case of any property  
12           for any period after the date of the enactment of the  
13           Make it in America: Create Clean Energy Manufac-  
14           turing Jobs in America Act, such property shall not  
15           be treated as energy property for purposes of this  
16           section unless such property is 85 percent manufac-  
17           tured in the United States, from articles, materials,  
18           or supplies 85 percent of which are grown, produced,  
19           or manufactured in the United States.

20                   “(2) TRANSITIONAL RULE.—In the case of any  
21           property for any period before January 1, 2015,  
22           paragraph (1) shall be applied—

23                           “(A) in the case of any period during  
24                   2013, by substituting ‘50 percent’ for ‘85 per-  
25                   cent’ both places it appears, and

1           “(B) in the case of any period during  
2           2014, by substituting ‘60 percent’ for ‘85 per-  
3           cent’ both places it appears.”.

4           (c) EFFECTIVE DATES.—

5           (1) PRODUCTION CREDIT.—The amendments  
6           made by subsection (a) shall apply to facilities origi-  
7           nally placed in service after the date of the enact-  
8           ment of this Act.

9           (2) INVESTMENT CREDIT.—The amendments  
10          made by subsection (b) shall apply to periods after  
11          the date of the enactment of this Act, under rules  
12          similar to the rules of section 48(m) of the Internal  
13          Revenue Code of 1986 (as in effect on the day be-  
14          fore the date of the enactment of the Revenue Rec-  
15          onciliation Act of 1990).

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