

117TH CONGRESS
1ST SESSION

H. R. 5332

To require the Secretary of Energy to carry out a program to provide grants and loans to support and expand the domestic solar component manufacturing supply chain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2021

Mrs. DEMINGS (for herself, Mr. MICHAEL F. DOYLE of Pennsylvania, Mrs. DINGELL, Ms. SLOTKIN, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Secretary of Energy to carry out a program to provide grants and loans to support and expand the domestic solar component manufacturing supply chain, 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 “Reclaiming the Solar
5 Supply Chain Act of 2021”.

1 **SEC. 2. SOLAR COMPONENT MANUFACTURING SUPPLY**
2 **CHAIN ASSISTANCE.**

3 (a) FINDINGS.—The Congress finds that it is in the
4 interest of the United States—

5 (1) to have a viable solar component manufac-
6 turing supply chain; and

7 (2) to reduce the reliance of United States
8 manufacturers on solar components made in China.

9 (b) ESTABLISHMENT.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary shall es-
11 tablish and carry out a program to award grants and loans
12 to eligible entities to carry out projects in the United
13 States for—

14 (1) the construction of new facilities that manu-
15 facture solar components; and

16 (2) retooling, retrofitting, or expanding existing
17 facilities that manufacture solar components.

18 (c) PRIORITIZATION.—In awarding grants and loans
19 under the program, the Secretary shall give priority to
20 projects—

21 (1) that are strategically located near manufac-
22 turers in the solar component manufacturing supply
23 chain to create a geographic concentration of manu-
24 facturers in the solar component manufacturing sup-
25 ply chain;

1 (2) that have the greatest potential to reduce
2 the reliance of United States manufacturers on solar
3 components made in China; and

4 (3) that—

5 (A) provide the greatest potential for both
6 direct and indirect domestic job creation;

7 (B) result in economic development or eco-
8 nomic diversification in economically distressed
9 regions or localities; or

10 (C) will create the greatest number of jobs
11 for low-income communities, dislocated workers,
12 and workers from groups that are underrep-
13 resented in the manufacturing industry.

14 (d) **ADVANCED SOLAR TECHNOLOGY.**—The Sec-
15 retary may issue a written finding on whether any ad-
16 vanced solar technology has significant potential to reduce
17 the reliance of United States manufacturers on traditional
18 solar components made in China.

19 (e) **PROHIBITION.**—In carrying out the program, the
20 Secretary may not award grants or loans for projects that
21 will source solar components from, or supply their solar
22 components to, facilities that use forced labor.

23 (f) **APPLICATION.**—To be eligible to receive a grant
24 or loan under the program, an eligible entity shall submit
25 to the Secretary an application at such time, in such man-

1 ner, and containing such information as the Secretary may
2 require.

3 (g) LOAN CONDITIONS.—A loan made under the pro-
4 gram shall—

5 (1) not exceed an amount that is equal to 50
6 percent of the cost of the applicable project;

7 (2) bear interest at a rate that does not exceed
8 a level that the Secretary determines appropriate,
9 taking into account the prevailing rate of interest in
10 the private sector for similar loans and risks; and

11 (3) be subject to such other terms and condi-
12 tions as the Secretary determines appropriate.

13 (h) COST SHARING FOR GRANTS.—Section 988(c) of
14 the Energy Policy Act of 2005 (42 U.S.C. 16352(c)) shall
15 apply to a grant made under this section.

16 (i) PREVAILING WAGES.—Any laborer or mechanic
17 employed by any contractor or subcontractor in the per-
18 formance of work funded directly, or assisted in whole or
19 in part, by the Federal Government pursuant to this Act
20 shall be paid wages at rates not less than those prevailing
21 on work of a similar character in the locality, as deter-
22 mined by the Secretary of Labor under subchapter IV of
23 chapter 31 of title 40, United States Code (commonly re-
24 ferred to as the Davis-Bacon Act). With respect to the
25 labor standards in this subsection, the Secretary of Labor

1 shall have the authority and functions set forth in Reorga-
2 nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5
3 U.S.C. App.) and section 3145 of title 40, United States
4 Code.

5 (j) LABOR ORGANIZATION.—

6 (1) IN GENERAL.—Notwithstanding the Na-
7 tional Labor Relations Act (29 U.S.C. 151 et seq.),
8 paragraphs (2) through (5) shall apply with respect
9 to any funding recipient under this Act who is an
10 employer and any labor organization who represents
11 employees of such a funding recipient.

12 (2) NEUTRALITY REQUIREMENT.—An employer
13 shall remain neutral with respect to the exercise of
14 employees and labor organizations of the right to or-
15 ganize and bargain under the National Labor Rela-
16 tions Act (29 U.S.C. 151 et seq.).

17 (3) COMMENCEMENT OF COLLECTIVE BAR-
18 GAINING.—Not later than 10 days after receiving a
19 written request for collective bargaining from a labor
20 organization that has been newly recognized or cer-
21 tified as a representative under section 9(a) of the
22 National Labor Relations Act (29 U.S.C. 159(a)), or
23 within such further period as the parties agree upon,
24 the parties shall meet and commence to bargain col-

1 lectively and shall make every reasonable effort to
2 conclude and sign a collective bargaining agreement.

3 (4) MEDIATION AND CONCILIATION FOR FAIL-
4 URE TO REACH A COLLECTIVE BARGAINING AGREE-
5 MENT.—

6 (A) IN GENERAL.—If the parties have
7 failed to reach an agreement before the date
8 that is 90 days after the date on which bar-
9 gaining is commenced under paragraph (3), or
10 any later date agreed upon by both parties, ei-
11 ther party may notify the Federal Mediation
12 and Conciliation Service of the existence of a
13 dispute and request mediation.

14 (B) FEDERAL MEDIATION AND CONCILIA-
15 TION SERVICE.—Whenever a request is received
16 under subparagraph (A), the Director of the
17 Federal Mediation and Conciliation Service
18 shall promptly communicate with the parties
19 and use best efforts, by mediation and concilia-
20 tion, to bring them to agreement.

21 (5) TRIPARTITE ARBITRATION PANEL.—

22 (A) IN GENERAL.—If the Federal Medi-
23 ation and Conciliation Service is not able to
24 bring the parties to agreement by mediation or
25 conciliation before the date that is 30 days after

1 the date on which such mediation or concilia-
2 tion is commenced, or any later date agreed
3 upon by both parties, the Service shall refer the
4 dispute to a tripartite arbitration panel estab-
5 lished in accordance with such regulations as
6 may be prescribed by the Service, with one
7 member selected by the labor organization, one
8 member selected by the employer, and one neu-
9 tral member mutually agreed to by the parties.

10 (B) DISPUTE SETTLEMENT.—A majority
11 of the tripartite arbitration panel shall render a
12 decision settling the dispute and such decision
13 shall be binding upon the parties for a period
14 of two years, unless amended during such pe-
15 riod by written consent of the parties. Such de-
16 cision shall be based on—

17 (i) the employer's financial status and
18 prospects;

19 (ii) the size and type of the employer's
20 operations and business;

21 (iii) the employees' cost of living;

22 (iv) the employees' ability to sustain
23 themselves, their families, and their de-
24 pendents on the wages and benefits they
25 earn from the employer; and

1 (v) the wages and benefits that other
2 employers in the same business provide
3 their employees.

4 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this Act
6 \$9,500,000,000, to be made available for the period of fis-
7 cal years 2022 through 2026.

8 (l) DEFINITIONS.—In this Act:

9 (1) ADVANCED SOLAR TECHNOLOGY.—The
10 term “advanced solar technology” means any new or
11 emerging technology, system, or mechanism that
12 uses solar radiation to generate electrical energy,
13 and any component thereof.

14 (2) DIRECT CURRENT OPTIMIZER.—The term
15 “direct current optimizer” means a product which
16 converts direct current electricity from one or more
17 solar modules or advanced solar technologies to a
18 different direct current voltage that is matched to
19 the input requirements of an inverter.

20 (3) ELIGIBLE ENTITY.—The term “eligible enti-
21 ty” means a private entity, including a manufac-
22 turer, or a partnership of private entities.

23 (4) FORCED LABOR.—The term “forced labor”
24 has the meaning given such term in section 307 of
25 the Tariff Act of 1930 (19 U.S.C. 1307).

1 (5) INTEGRATED MODULE.—The term “inte-
2 grated module” means a solar module produced by
3 a single manufacturer through the conversion of a
4 photovoltaic wafer or other semiconductor material
5 into an end product which is—

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

8 (B) ready for installation without addi-
9 tional manufacturing processes.

10 (6) INVERTER.—The term “inverter” means a
11 product which converts direct current electricity
12 from one or more solar modules or advanced solar
13 technologies into alternating current electricity.

14 (7) LABOR ORGANIZATION.—The term “labor
15 organization” has the meaning given the term in
16 section 2 of the National Labor Relations Act (29
17 U.S.C. 152).

18 (8) PARTIES.—The term “parties” means a
19 labor organization that is newly recognized or cer-
20 tified as a representative under section 9(a) of the
21 National Labor Relations Act (29 U.S.C. 159(a))
22 and the employer of the employees represented by
23 such organization.

24 (9) PHOTOVOLTAIC CELL.—The term “photo-
25 voltaic cell” means the smallest semiconductor ele-

1 ment of a solar module which performs the imme-
2 diate conversion of light into electricity.

3 (10) PHOTOVOLTAIC WAFER.—The term “pho-
4 tovoltaic wafer” means a thin slice or sheet of semi-
5 conductor material of at least 240 square centi-
6 meters produced by a single manufacturer—

7 (A) either—

8 (i) directly from molten solar grade
9 polysilicon; or

10 (ii) through formation of an ingot
11 from molten polysilicon and subsequent
12 slicing; and

13 (B) which comprises the substrate of a
14 photovoltaic cell.

15 (11) PROGRAM.—The term “program” means
16 the program established under subsection (b).

17 (12) RACKING.—The term “racking” means a
18 structural steel or aluminum support element, of any
19 cross-section shape and which may be assembled
20 from individually manufactured segments, spanning
21 longitudinally, on which solar modules are sup-
22 ported.

23 (13) SECRETARY.—The term “Secretary”
24 means the Secretary of Energy.

1 (14) SOLAR COMPONENT.—The term “solar
2 component” includes an integrated module, a photo-
3 voltaic cell, a photovoltaic wafer, solar grade
4 polysilicon, a solar module, an inverter, racking, a
5 tracker, a direct current optimizer, and any ad-
6 vanced solar technology for which the Secretary has
7 issued a written finding under subsection (d) that
8 such advanced solar technology has significant po-
9 tential to reduce the reliance of United States manu-
10 facturers on traditional solar components made in
11 China.

12 (15) SOLAR GRADE POLYSILICON.—The term
13 “solar grade polysilicon” means silicon which is—

14 (A) suitable for use in photovoltaic manu-
15 facturing; and

16 (B) purified to a minimum purity of
17 99.999999 percent silicon by mass.

18 (16) SOLAR MODULE.—The term “solar mod-
19 ule” means the connection and lamination of photo-
20 voltaic cells into an environmentally protected final
21 assembly which is—

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

24 (B) ready for installation without an addi-
25 tional manufacturing process.

1 (17) TRACKER.—The term “tracker” means—

2 (A) a structural steel support on which
3 solar modules are supported; and

4 (B) the mechanism by which that support
5 is oriented to varying angles with respect to the
6 sun’s position.

7 (18) TRADITIONAL SOLAR COMPONENT.—The
8 term “traditional solar component” means an inte-
9 grated module, a photovoltaic cell, a photovoltaic
10 wafer, solar grade polysilicon, and a solar module.

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