

112TH CONGRESS
2D SESSION

H. R. 6217

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2012

Mr. GARAMENDI (for himself, Mr. CONYERS, Mr. KILDEE, Mr. HINCHEY, and Mr. LIPINSKI) 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 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. REQUIREMENTS FOR PURCHASE OF GREEN TECH-**
2 **NOLOGIES WITH 85 PERCENT DOMESTIC CON-**
3 **TENT FOR USE BY FEDERAL GOVERNMENT**
4 **AND STATES.**

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

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

23 (c) **PHASE-IN OF REQUIREMENT.**—During the first
24 three fiscal years occurring after the date of the enactment
25 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 “85 percent”;

4 (2) during the second fiscal year beginning
5 after such date of enactment, by substituting “50
6 percent” for “85 percent”; and

7 (3) during the third fiscal year beginning after
8 such date of enactment, by substituting “80 per-
9 cent” 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 2012, by sub-

1 stituting ‘30 percent’ for ‘85 percent’ both
2 places it appears,

3 “(ii) in the case a facility originally
4 placed in service during 2013, by sub-
5 stituting ‘50 percent’ for ‘85 percent’ both
6 places it appears, and

7 “(iii) in the case a facility originally
8 placed in service during 2014, by sub-
9 stituting ‘80 percent’ for ‘85 percent’ both
10 places it appears.”.

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

14 “(e) DOMESTIC CONTENT REQUIREMENT.—

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

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

4 “(A) in the case of any period during
5 2012, by substituting ‘30 percent’ for ‘85 per-
6 cent’ both places it appears,

7 “(B) in the case of any period during
8 2013, by substituting ‘50 percent’ for ‘85 per-
9 cent’ both places it appears, and

10 “(C) in the case of any period during
11 2014, by substituting ‘80 percent’ for ‘85 per-
12 cent’ both places it appears.”.

13 (c) EFFECTIVE DATES.—

14 (1) PRODUCTION CREDIT.—The amendments
15 made by subsection (a) shall apply to facilities origi-
16 nally placed in service after the date of the enact-
17 ment of this Act.

18 (2) INVESTMENT CREDIT.—The amendments
19 made by subsection (b) shall apply to periods after
20 the date of the enactment of this Act, under rules
21 similar to the rules of section 48(m) of the Internal
22 Revenue Code of 1986 (as in effect on the day be-
23 fore the date of the enactment of the Revenue Rec-
24 onciliation Act of 1990).