

118TH CONGRESS
1ST SESSION

S. 968

To prohibit the procurement of solar panels manufactured or assembled
in the People’s Republic of China.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2023

Mr. SCOTT of Florida (for himself, Mr. HAWLEY, Mr. RUBIO, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit the procurement of solar panels manufactured
or assembled in the People’s Republic of China.

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 “Keep China Out of
5 Solar Energy Act of 2023”.

6 **SEC. 2. PROHIBITION ON PROCUREMENT OF SOLAR PAN-**
7 **ELS FROM COVERED FOREIGN ENTITIES.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Director of the Of-
10 fice of Management and Budget, in consultation with the

1 Administrator of General Services, shall develop standards
2 and guidelines for executive agencies to—

3 (1) prohibit Federal funds from being awarded
4 by contract, subcontract, grant, or subgrant for the
5 procurement of solar panels that are manufactured
6 or assembled by a covered entity; and

7 (2) prohibit the use of Government-issued pur-
8 chase cards to purchase solar panels that are manu-
9 factured or assembled by a covered entity.

10 (b) AMENDMENT OF FEDERAL ACQUISITION REGU-
11 LATION.—Not later than 180 days after the date of the
12 enactment of this Act, the Federal Acquisition Regulatory
13 Council shall amend the Federal Acquisition Regulation
14 to implement the prohibition established pursuant to sub-
15 section (a)(1) with respect to Federal contracts and sub-
16 contracts.

17 **SEC. 3. EXEMPTION WAIVER.**

18 (a) IN GENERAL.—The head of an executive agency
19 may obtain a waiver from the prohibition implemented
20 pursuant to section 2 if the agency head certifies to the
21 Secretary of State and the Secretary of Homeland Secu-
22 rity that the covered entity is the only viable source for
23 the solar panels and the Secretary of State and the Sec-
24 retary of Homeland Security jointly approve the waiver
25 request.

1 (b) NOTIFICATION REQUIREMENTS.—

2 (1) IN GENERAL.—The head of an agency re-
3 questing a waiver under this section shall notify the
4 Director of the Office of Management and Budget of
5 the request. The Director of the Office of Manage-
6 ment and Budget shall submit to the appropriate
7 congressional committees a quarterly report listing
8 requests listing under subsection (a), including
9 whether each such request was approved or rejected.

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—In this subsection, the term “appropriate
12 congressional committees” means—

13 (A) the Committee on Foreign Relations
14 and the Committee on Homeland Security and
15 Governmental Affairs of the Senate; and

16 (B) the Committee on Foreign Affairs and
17 the Committee on Oversight and Reform of the
18 House of Representatives.

19 **SEC. 4. COMPTROLLER GENERAL REPORT.**

20 Not later than 275 days after the date of the enact-
21 ment of this Act, the Comptroller General of the United
22 States shall submit to Congress a report on the amount
23 of solar panels procured by Federal departments and
24 agencies from covered entities.

1 **SEC. 5. STUDY.**

2 (a) INDEPENDENT STUDY.—Not later than one year
3 after the date of the enactment of this Act, the Director
4 of the Office of Management and Budget shall seek to
5 enter into a contract with a federally funded research and
6 development center under which the center will conduct
7 a study of—

8 (1) the current and future domestic market of
9 solar panel production;

10 (2) the ability of the solar panel domestic mar-
11 ket to keep pace with technological advancements
12 across the industry; and

13 (3) the current global supply chain and work-
14 force involved with solar panel production.

15 (b) SUBMISSION TO CONGRESS.—Not later than 30
16 days after the date on which the Director of the Office
17 of Management and Budget receives the study under sub-
18 section (b), the Director shall submit the study to—

19 (1) the Committee on Homeland Security and
20 Governmental Affairs and the Committee on Energy
21 and Natural Resources of the Senate; and

22 (2) the Committee on Homeland Security, the
23 Committee on Oversight and Reform, and the Com-
24 mittee on Energy and Commerce of the House of
25 Representatives.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) COVERED ENTITY.—The term “covered en-
4 tity” means any entity domiciled in the People’s Re-
5 public of China or subject to influence or control by
6 the Government of the People Republic of China or
7 the Communist Party of the People’s Republic of
8 China, as determined by the Secretary of Homeland
9 Security.

10 (2) EXECUTIVE AGENCY.— The term “executive
11 agency” has the meaning given the term in section
12 133 of title 41, United States Code.

13 (3) SOLAR PANEL.—The term “solar panel”
14 means crystalline silicon photovoltaic (PV) cells and
15 modules.

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