



Transforming Policy. Expanding Markets.

June 29, 2022

Recommendations of Advanced Energy Economy

Regarding implementation of President Biden's June 6th Defense Production Act Announcement, Resolution of the Auxin Investigation & Follow-on Actions to Bolster Domestic Manufacturing

About AEE

Advanced Energy Economy ("AEE") is a national association of businesses committed to making the energy we use secure, clean, and affordable. AEE is the only industry association in the United States that represents the full range of advanced energy technologies and services, both grid-scale and distributed. As we define it, advanced energy includes energy efficiency, demand response, energy storage, wind, solar, hydro, nuclear, smart grid, electric vehicles, and more. AEE represents more than 100 companies in the \$240 billion U.S. advanced energy industry, which employs 3.2 million U.S. workers.

Introduction

AEE respectfully submits this letter, which outlines AEE's recommendations and priorities regarding recent and expected executive, agency, and Congressional actions regarding domestic clean energy production, for consideration by administration officials as they seek input to prepare for further implementation regarding these same matters.

On June 6, 2022, in response to Russia's invasion of Ukraine and the unprecedented impact this invasion has had on global and domestic energy prices and supply chains, President Biden announced the invocation of the Defense Production Act ("DPA") to accelerate the domestic production of "five critical clean energy technologies," including solar, heat pumps, power grid infrastructure, building insulation, and equipment for making and using clean electricity-generated fuels.¹ The President also announced that his administration would create a 24-month bridge for certain solar imports, to ensure that the United States can continue installing low-cost solar generation.² As we expressed on June 6, AEE strongly supports both actions.³ Indeed, in the wake of President Biden's prior DPA announcement on March 31, 2022, AEE called for the President to expand the use of the DPA to encompass other advanced energy technologies and their component parts, including solar and heat

¹ The White House "FACT SHEET: President Biden Takes Bold Executive Action to Spur Domestic Clean Energy Manufacturing", June 6, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/06/fact-sheet-president-biden-takes-bold-executive-action-to-spur-domestic-clean-energy-manufacturing/>

² Id.

³ Advanced Energy Economy "AEE applauds Biden administration actions to pause solar tariffs and grow advanced energy manufacturing", June 6, 2022. <https://www.aee.net/articles/solar-tariff-stay-announcement>

pumps.⁴ Accordingly, this letter summarizes AEE's positions and implementation recommendations regarding these actions, in addition to the related and ongoing Auxin investigation at the Department of Commerce ("Commerce").

Section I: Section I of this letter details why AEE believes that the DPA's use here is justified given the urgent national security concerns that need to be addressed. Section I.B of this letter details the next steps we encourage the administration – specifically the Department of Energy ("DOE") – and Congress undertake to ensure effective implementation of the President's order to meet the goals that President Biden outlined, and the security-focused intent of the law.

Section II: All interested parties should understand that the DPA is a short-term policy mechanism, intended to address an acute national security issue. While it may kick start the growth of domestic advanced energy manufacturing in response to the war in Ukraine, additional policy will be necessary to sustain that growth and development over the medium- to long-term as a more comprehensive national security strategy to bolster domestic energy security. To that end, Section II of this letter lays out a short list of additional policies that the administration and Congress should strongly consider using to support the domestic advanced energy industry in a stable and sustainable manner.

Section III: Section III overviews AEE's positions and recommendations regarding the announced solar tariff relief. AEE and its member companies have discouraged the administration from utilizing economically inefficient and overly-broad trade policy and enforcement for any other purpose outside of its statutorily-defined charter to protect American industries and workforce from unfair trade practices.⁵ Accordingly we appreciate the 24-month suspension of import duties from four Southeast Asian nations, as the need to ensure continued, low-cost clean energy installation in the near-term to combat rising energy prices is more critical than ever. Here too, effective implementation is critical to ensure that the intent of President Biden's announcement is met.

Section IV: Finally, Section IV details AEE's views and recommendations regarding the ongoing Auxin investigation. Although the President's June 6th announcement provided near-term support for the solar industry in the context of ongoing national security concerns, it did not address the underlying issue –the ongoing investigation at Commerce prompted by the petition of Auxin Solar. While AEE supports the White House and Commerce's commitment to instigating and adjudicating requisite trade investigations as required by law in an impartial manner, we note that in the case of Auxin, additional tariffs would produce results that are deeply antithetical to the United States' present national security interests and even run contrary to the intent of federal trade law. A positive

⁴ Advanced Energy Economy (@AEEet), April 7, 2022.

<https://twitter.com/AEEet/status/1512077968515891217?s=20&t=VkwegJrruL76TyKoQqpbKw>

⁵ Advanced Energy Economy, "National Business Group AEE delivers sign-on letter to Senate, White House on growing domestic manufacturing of advanced energy industry", May 13, 2022. <https://www.aee.net/articles/production-manufacturing-letter-aee-2022>



determination would decimate the U.S. solar industry and could cost the U.S. tens of thousands of solar jobs (e.g., developers, installers, electricians, and sales staff) while only “saving” a fraction of that number in manufacturing jobs at Auxin and the small handful of domestic solar producers. This is hardly an outcome that current trade law could fairly contemplate as it is designed to protect American industry, not destroy it, and certainly one that would deeply harm efforts to scale up low-cost clean energy deployment during the war in Ukraine and rising energy prices.⁶ Further, as noted above, AEE believes that trade enforcement mechanisms, such as antidumping and countervailing duties, are not economically effective industrial policies as they almost always pass on price increases to consumers. While they may be appropriate in some circumstances, now, at a time of historic inflation and related hikes in gas and electricity prices, such tariffs are deeply antithetical to the United States’ national security interests as they would only serve to make energy costs more expensive, not less.

To be clear, AEE strongly supports the scale up of more domestic manufacturing of solar cells and modules and believes that the DPA invocation can significantly assist this objective; however, we must be clear that additional tariffs as a result of the Auxin investigation, even with the 24-month bridge, will make that mutually-desired future nearly impossible. Given that the Auxin investigation has already destabilized the U.S. solar industry and could wreak havoc on the economy and national security interests, we urge Commerce to make an expedited, and negative, determination in the case.⁷ Our detailed reasoning for this recommendation, including the legal justification for Commerce to fairly and in accordance with federal trade law issue a negative preliminary determination, is detailed in the Section IV, at the end of this letter.

AEE and its member companies welcome the opportunity to provide this input regarding the President’s June 6th announcement. We stand ready to provide additional feedback throughout the stakeholder process.

I. The President’s DPA actions are necessary and proper

A. DPA orders are justified in response to Russia’s illegal invasion of Ukraine and resulting destabilization of energy markets and consumer prices

As a business organization, AEE is a proponent of free and functional markets. Our business membership represents a cross-section of advanced energy technologies, all of which have a role to

⁶ Solar Energy Industries Association, “Impact of the Auxin Solar Tariff Petition”, April 26, 2022. https://www.seia.org/sites/default/files/2022-04/FINAL%20Auxin%20Impact%20Analysis%202022-04-26_0.pdf

⁷ Evan Halper, White House Alarmed that Commerce Probe ‘smothering’ solar industry, Washington Post (May 7, 2022 10:05 a.m.) <https://www.washingtonpost.com/business/2022/05/07/auxin-solar-projects-frozen/>



play in building more clean, affordable, reliable, and secure energy and transportation systems. Rather than picking winners and losers, we prefer technology neutral, market-based approaches that will achieve these goals at the lowest cost and greatest value to consumers. Consequently, we have and will continue to express concerns as appropriate regarding out-of-market interventions that seek to prop up otherwise non-economic resources.

That said, we also support policy solutions when market failures arise. As recent events have made clear, energy markets and manufacturing policy have so far failed to adequately meet U.S. national and economic security needs. As such, it is our opinion that President Biden is wholly justified in invoking the DPA to accelerate the domestic production and deployment, increase supply, and lower the costs of solar panel components, building insulation, heat pumps, equipment for the production and utilization of clean electricity-generated fuels, and critical power grid infrastructure.

Russian President Vladimir Putin's regime represents a clear threat to national security and geopolitical stability. With Russia's significant role in global energy markets, Russia's illegal invasion of Ukraine has sent oil and gas prices to their highest levels in recent memory, resulting in historic gasoline prices and rising wholesale and retail electricity rates, among many other impacts.⁸ The war in Ukraine has forced a host of countries to rethink their energy policies in the context of their national security strategies. To insulate their citizens from negative economic impacts and reduce Russia's continued ability to fund their invasion and commit war crimes, countries around the world are taking emergency action. From Germany swiftly reversing course to abandon approval for Nord Stream 2, to Belgium reconsidering its decommissioning of nuclear power, to Italy, the Netherlands, and the United Kingdom all rapidly accelerating efforts to install wind power, the immediate threat that the war in Ukraine poses to energy security and therefore national security and geopolitical stability cannot be overstated.

To defend the U.S. and Europe against Russia's weaponization of global energy markets to fund its invasion of Ukraine, the U.S. (in coordination with our allies) needs to reduce its exposure to oil and natural gas markets using both supply- and demand-side approaches. On the supply side, the U.S. must reduce the cost and increase the supply of clean generation to insulate the public from the continued volatility of oil and gas prices and reliance on Russian exports. On the demand-side, reducing energy consumption through efficiency and electrification technology development likewise reduces exposure to oil and gas volatility.

The invocation of the DPA accomplishes this strategy by both increasing the domestic production of cost-effective, supply- and demand-side technologies, including solar, heat pumps, insulation, critical

⁸ Jeff Sommer, Russia's War Is Raising Gas Prices and Riling Financial Markets, The New York Times (March 10, 2022) <https://www.nytimes.com/2022/03/10/business/russia-ukraine-war-gas-prices.html#:~:text=Prices%20at%20the%20pump&text=It%20was%20up%2023%20percent,regular%20cost%20%245.57%2C%20on%20average>.



grid infrastructure, fuel cells, and electrolyzers to produce green hydrogen. As a business association representing a diverse array of clean energy technology companies, we can say with full confidence that at this time, without executive action, present domestic manufacturing capacity simply cannot reasonably be expected to provide the needed supply of these technologies. This is particularly the case for heat pumps, which can be deployed rapidly to immediately reduce reliance on natural gas for home heating and cooling. The DPA is therefore absolutely necessary to scale up domestic manufacturing in the U.S. and support our allies in Europe in a timely manner.

Further, the President's temporary action to suspend potential additional import duties on solar modules and components for 24 months provides a runway to effectively utilize these DPA authorities to meet these national security needs. This tariff suspension will help to ensure that the critical short-term need for deploying installed solar capacity can continue in light of the war in Ukraine, thereby providing a two-year bridge for the DPA authorities to be fully leveraged to expand domestic solar production and reduce exposure to natural gas market volatility caused by Russia. This longer reorientation of advanced energy manufacturing to domestic facilities, and away from geostrategic competitors presents an additional justification for utilization of the DPA in this circumstance.

B. AEE recommendations for implementation of President Biden's June 6th DPA announcement

As noted above, AEE strongly supports President Biden's decision to invoke the DPA in support of advanced energy technologies, including solar panel parts, heat pumps, equipment for making and using clean electricity-generated fuels, and power grid infrastructure. We are pleased that the administration has chosen to prioritize these technologies – including batteries, per the President's previous DPA announcement on March 31st – as no one technology alone will fully serve to insulate the U.S. and Europe from exposure to Russia's impact on global energy markets, nor build clean, affordable, reliable, and secure 21st century energy and transportation systems.

That said, policymakers, advocates, and industry should look at the President's recent announcement as just one in a series of early steps towards building a more robust advanced energy manufacturing sector in the U.S. In Section II of this letter we detail additional policies that Congress and the White House should undertake in order to create a durable and effective climate for domestic industrial growth. The DPA represents a relatively short-term intervention, which can help jump start industry development and address immediate, acute needs. For even this to succeed, however, all relevant parties need to focus on effective implementation in the near-term. Recognizing the strengths and limitations of the DPA, we would recommend that policymakers and relevant stakeholders pay particular attention to two facets of the Act.



First, we urge the administration and Congress to substantially increase the size of the DPA Fund. All dollars used for Section 303 Title III of the DPA – the title under which the President has authorized the DOE to act – must come from the DPA Fund. This is not the only priority for which these funds would be utilized; for instance, the President also recently invoked the DPA to address the shortage in baby formula. At present, the fund contains approximately \$434 million.⁹ When we consider that the cost of expanding a solar production facility to produce 1.4 GWs of additional capacity each year – a small capacity addition in the scale of the global solar market – would cost \$170 million, the need for additional resources in the fund is clear. Of course, solar is just one of several technologies in the President’s order. Simultaneously ramping up production of solar panels, heat pumps, equipment for clean fuels, and grid infrastructure under the DPA will require significant fund expansion.

That’s why we’re calling on Congress, as the administration has, to increase resources in the DPA Fund. There are multiple vehicles through which this can be accomplished, either within or outside of the traditional appropriations process. Funding provided by Congress through annual appropriations bills has typically served as the main avenue to finance the DPA Fund. The FY 2023 appropriations process is currently underway, and the House Appropriations Committee recently proposed \$100 million for DOE to fund DPA section 303 activities. AEE applauds this action, but as noted above, would recommend a more significant increase in the fund in order to more fully support the build out of domestic production capacity.

There are additional legislative avenues Congress should also consider pursuing to increase resources in the DPA Fund. The National Defense Authorization Act (“NDAA”) for FY 2023 is also currently under debate. As Congress continues to negotiate the NDAA, increasing the amount in the DPA Fund should be a lead consideration. Alternately, if the Senate revives a reconciliation package that includes provisions related to domestic manufacturing and energy production, it may be reasonable to consider such a funding increase there. Reconciliation would present a lower threshold for passage, but currently appears less likely to pass and would do so without bipartisan support.

Second, we would note that Title III of the DPA provides a variety of powers to DOE. Given the diversity of technologies encompassed in the President’s announcement, no one power may be universally applicable. Generally speaking, we would advise the administration to focus more on assisting in the capacity expansion, or setting broad goals for additional production, rather than mandate specific production targets. Current supply chain constraints leave our member companies concerned about their ability to meet highly prescriptive targets. Beyond that, we would encourage DOE to follow two principles as it invests the resources available to it under the DPA:

⁹ Jennifer Dlouhy & Brian Eckhouse, Solar Panel Makers Scorn ‘Pittance’ of Aid In Biden Relief Plan, BLOOMBERG (June 7, 2022), <https://www.bloomberg.com/news/articles/2022-06-07/solar-panel-makers-scorn-pittance-of-aid-in-biden-relief-plan>



- First, within the scope of the President’s order, invest in those technologies that will provide consumers with the most immediate relief to rising energy prices as well as providing the most significant long-term insulation against future fuel price shocks. Adhering to this principle ensures that these investments will address the immediate issue at hand – global energy price inflation due to geopolitical instability – and the fundamental rationale for invoking the DPA. Heat pumps, as noted previously, can be rapidly deployed to reduce reliance on natural gas, for example.
- Second, again within the scope of the order, invest in technologies that are available and scalable today, rather than those that have yet to reach commercial viability or are difficult to scale. If this order is to kickstart broader domestic industry expansion, then better to invest in productive capacity for proven, replicable solutions like solar – solutions more likely to attract additional private sector investment down the road. DOE has programs and resources to nurture technologies throughout their development. AEE supports such programs and initiatives. But we recommend that, in this circumstance, DOE narrowly scope its investment focus.

AEE and the advanced energy industry strongly support the administration’s decision to invoke the DPA in this circumstance and stand ready to provide DOE and the administration as a whole with additional input regarding effective implementation. Indeed, as a multi-technology association we are uniquely suited to provide input regarding this specific order.

II. AEE-recommended additional actions to bolster domestic advanced energy manufacturing

The Biden administration’s DPA authorization was a crucial step in the right direction for increasing domestic production of advanced energy technologies, but it is only one step in a comprehensive process that must be undertaken by the administration and Congress. To build an advanced energy industrial base durable and long-term policy solutions must be pursued. Supply chain disruptions resulting from global events such as the COVID-19 pandemic and the Russian invasion of Ukraine have only further solidified the importance of investing heavily in the resilience of our domestic supply chains. Congressional action is necessary for many of the most impactful solutions, but the Biden administration can also utilize current executive authorities to increase domestic advanced energy technology production.

A. Executive Action

Previously, the administration sent positive signals to industry through Executive Order 14017 on America’s Supply Chains, which signaled its intention to pursue an all-of-government approach to



strengthening the resilience of critical U.S. supply chains.¹⁰ The resulting DOE publication, America's Strategy to Secure the Supply Chain for a Robust Clean Energy Transition contains several policy suggestions that AEE supports for growing domestic clean energy production.¹¹

In line with the above approach to shoring up U.S. supply chains, the strategy laid out in the Plan to Revitalize American Manufacturing and Secure Critical Supply Chains in 2022 is a good starting place. In particular, the proposed changes to the Export-Import Bank, including a new initiative to provide financing for environmentally beneficial export transactions, will help domestic advanced energy manufacturers compete in global markets. The administration should ensure that the full suite of grid-scale and distributed advanced energy technologies, including energy efficiency, demand response, energy storage, wind, solar, smart grid, software, and electric vehicles, are represented through the Manufacturing USA and Small Business Association proceedings. Regularly consulting the full breadth of the advanced energy industry is essential for fully understanding advanced energy supply chains and identifying appropriate federal resources.

Ensuring credit access for manufacturers will be essential for America to build its technological and competitive edge. The capital-intensive nature of manufacturing means government funding is essential for closing funding gaps. The administration should be looking to expand existing federal manufacturing programs. Furthermore, it can send important signals to those programs to target technologies that have the most potential to reduce electricity consumer costs and to decarbonize the grid (as it has done here with the DPA).

Expanding the share of federal research grants that are awarded for manufacturing and competitiveness activities can also ensure the U.S. is at the forefront of manufacturing innovations. ARPA-E and the Loan Program Office have important roles to play in funding for commercialization of advanced energy technologies. The administration should continue to prioritize increased appropriations for their activities. Likewise, the administration should be coordinating with state-led green banks to set priorities and provide technical assistance. DOE can guide funding to technologies by setting domestic manufacturing goals. The Solar Energy Technologies Office currently has a goal of adding 1 GW of domestic solar manufacturing capacity a year. DOE should similarly prioritize increasing that goal and performing similar functions for other technologies.

Finally, full implementation of the Bipartisan Infrastructure Law (BIL), including fully staffing the newly established Office of Manufacturing and Energy Supply Chains and Office of Clean Energy Demonstrations, will further benefit domestic advanced energy manufacturing. BIL authorized and

¹⁰ The White House, FACT SHEET: Biden-Harris Administration Announces Supply Chain Disruptions Task Force to Address Short-Term Supply Chain Discontinuities, (June 6, 2022). <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/08/fact-sheet-biden-harris-administration-announces-supply-chain-disruptions-task-force-to-address-short-term-supply-chain-discontinuities/>

¹¹ America's Strategy to Secure the Supply Chain for a Robust Clean Energy Transition, U.S. Department of Energy (Feb. 24, 2022) <https://www.energy.gov/policy/articles/americas-strategy-secure-supply-chain-robust-clean-energy-transition>



funded multiple programs devoted to battery manufacturing and recycling, but also provides millions in funding for clean energy research and development. Ensuring that this funding incorporates manufacturing research should be a priority. The administration can also utilize the Economic Development Administration and funding provided through the American Rescue Plan Act to promote regional development and workforce strategies for manufacturing. Geographic clusters of industries from the first textile factories in Massachusetts to the 20th century automobile industry located throughout the Great Lakes has long been a vital component of American industrial development.

B. Congressional Action

Congress has an opportunity to provide a generational investment in domestic manufacturing through policies being debated as part of the budget reconciliation process. The Build Back Better Act (BBB, H.R. 5376) passed by the House in November 2021 contained both supply- and demand-side policies that would accelerate domestic advanced energy manufacturing. The expansion and addition of investment tax credits (ITCs) and production tax credits (PTCs) for solar, wind, geothermal, energy storage, and other clean energy technologies included in the bill, combined with clean and / or renewable standards in 31 states, will help to ensure there is ample demand for advanced energy technologies in the years to come – a significant runway for the development of a domestic manufacturing base. On the supply-side of the equation, this package includes the 48C tax credit, which was first introduced in the 2009 American Reinvestment and Recovery Act. It also contains new production tax credits for domestic manufacturing of polysilicon, wafers, and cells for the solar industry, as well as modules and wind blades, nacelles, towers, and offshore foundations for the onshore and offshore wind industries.

The National Renewable Energy Laboratory estimates this legislation would create tens of thousands of American manufacturing jobs and there is widespread industry support for the enactment of these manufacturing credits. Indeed, AEE and its member companies have specifically endorsed a production-based approach as the most impactful policy for increasing domestic manufacturing.¹² Although BBB as a whole appears to no longer be viable in the Senate, significant portions of the energy title remain under consideration for passage in a slimmed-down reconciliation measure. We would urge lawmakers to move swiftly towards passage of such a package.

Congress is also considering other measures that would support domestic production of advanced energy technologies. Notably, the House and Senate recently established a conference committee to work through differences in the Senate-passed United States Innovation and Competition Act (USICA, S. 1260) and the House-passed America Competing Opportunities for Manufacturing Pre-Eminence in Technology and Economic Strength (COMPETES, H.R. 4521). The two bills contain provisions such as

¹² Advanced Energy Economy, “National Business Group AEE delivers sign-on letter to Senate, White House on growing domestic manufacturing of advanced energy industry”, May 13, 2022. <https://www.aee.net/articles/production-manufacturing-letter-aee-2022>



loans and grants for investments in domestic supply chains, semi-conductor manufacturing, export promotion, establishment of new offices in Commerce, added support for scientific research, and additional support for Manufacturing USA and the Manufacturing Extension Partnership Program, as well as the establishment of a National Manufacturing Advisory Council. All these policies can be used to promote domestic advanced energy manufacturing. The bills received bipartisan support in both chambers and provide a new path forward for American innovation policy that moves beyond funding for research and development to also include support for the deployment and manufacturing of innovative technologies.

As previously mentioned, government support for financing manufacturing is a necessary component for an all-of-government approach. To this end, we would also highlight the Industrial Finance Corporation Act (S. 2662). S. 2662 would finance investments in high-tech manufacturing and provide access to capital for domestic manufacturers that have historically struggled to obtain it. It would specifically target industries who are facing unfair international competition and would serve as a valuable alternative to tariffs. Finally, the Greenhouse Gas Reduction Fund, originally included in BBB, gives funding to establish and capitalize state green banks. Supporting its passage will be important for coordinating investments to the most impactful technologies and regional technology clusters. These pieces of legislation, taken together, would provide a bold new direction for American industrial policy.

III. AEE recommendations regarding Department of Commerce tariff suspension implementation regulations

On June 6, 2022, the President issued a declaration of emergency and authorization for temporary extensions of time and duty-free importation of crystalline silicon photovoltaic ("CSPV") solar cells and modules from southeast Asia, pursuant to 19 U.S.C. § 1318(a)¹³ ("Presidential Declaration"). The Presidential Declaration directed Commerce to implement this tariff collection suspension and Commerce subsequently stated that it is working to prepare implementing regulations in the near future. AEE wishes to highlight key considerations for Commerce as it works to finalize these regulations.

First, AEE wishes to emphasize the importance of moving swiftly on both these implementing guidelines and the issuance of the preliminary determination in the Auxin investigation. While this tariff suspension is welcomed news, AEE nevertheless must stress that the Auxin investigation outcome is far more important for providing stability to the U.S. solar industry than a temporary hiatus of possible additional tariff collection.

¹³ Proclamation No. 10339, 87 Fed. Reg. 35067 (June 9, 2022).



As discussed more in the following section regarding the Auxin investigation, without clarity on the investigation's outcome, it will not be fully possible for the solar industry to have adequate assurances to re-start stalled or cancelled solar projects or plan prospectively due to current ambiguities about the applicability of possible retroactive duty and suspension payments. Nevertheless, there are key areas that Commerce can clarify in its implementing regulations that will help provide some stability to the U.S. solar industry. These include:

- Commerce clarifies what statutory authority and precedent upon which the tariff suspension is grounded to enable its actions to withstand expected legal challenges;
- Commerce clarifies that to the extent any waivers of the implementing regulations are necessary, waivers are granted by rule as opposed to applicants being required to seek these waivers;
- Commerce clarifies the applicability of any potential new tariffs to CSPV modules and panels imported between November 4, 2021 and April 1, 2022, when the Department's final rule modifying 19 C.F.R. 351.226 went into effect and the date of acceptance of the Auxin investigation, respectively;
- Commerce clarifies the applicability of any potential new tariffs to CSPV modules and panels imported between June 6, 2022, when the President issued the Presidential Declaration, and whenever the Department's implementing regulations become final;
- Commerce clarifies the date when the tariff suspension will end such that CSPV modules and panels would become subject to any potential new tariffs, if imposed;
- Broadly speaking, Commerce clarifies that the two-year tariff suspension per the Presidential Proclamation is not merely a suspension of the due date for payment of any potential new tariffs, resulting in deferred payments, but rather a complete waiver of the applicability of any potential new tariffs for the two year period, and that any new potential tariffs are prospective only.

While AEE understands that a likely scenario is that the Presidential Declaration should provide a two-year window during which imports from these southeast Asian countries should be free of additional, retroactive tariffs, there is still much ambiguity given the pending Auxin investigation and lack of sufficiently detailed assurances about retroactive tariffs. AEE urges Commerce to fully address each of the above points in its implementing regulations for the Presidential Declaration in order to provide stability and assurances to the U.S. solar industry.



IV. AEE recommendations regarding Department of Commerce disposition of Auxin investigation

As soon as possible, Commerce should issue an expedited, negative preliminary determination in the circumvention investigation, requested by Auxin, into the imports of CSPV solar cells and modules from Thailand, Malaysia, Cambodia, and Vietnam.¹⁴ Commerce has the requisite legal authority and on-the-record information necessary to resolve this issue, in accordance with its obligations under the Tariff Act and related authorities before it inflicts further harm on the U.S. economy.¹⁵

In support of this respectful request for prompt action, AEE wishes to highlight several persuasive primary arguments that have been made in multiple public comments, as well as key developments that have occurred since Commerce accepted Auxin's investigation petition.

First, under the Tariff Act, Commerce must positively determine five statutory criteria to assess whether product completed or assembled in a third country should be included with an antidumping and countervailing duty ("AD/CVD") order. Commerce cannot make positive determinations for at least two of these five criteria based on the Auxin petition, and the failure to meet any one of these criteria merits a negative determination.¹⁶ These two criteria are:

1. "Minor and Insignificant:" The Department must find that CSPV cell and module manufacturing in these countries involves only "minor or insignificant" processing; as explained further below, there is no factual basis for this finding, and as demonstrated by multiple public comments submitted thus far, the processing in these four countries is indeed significant; and
2. "Appropriateness:" The Department must find that AD/CVD action is "appropriate" to warrant additional AD/CVD tariffs. The Department cannot make this finding because (i) such action would decimate U.S. solar deployment and threaten tens of thousands of U.S. jobs, and (ii) the industry that the AD/CVD orders on CSPV cells from China are designed to protect does not support circumvention findings.

Finally, as Secretary Raimondo has stated publicly, and as many public comments have persuasively argued, the Secretary of Commerce is empowered by statute to swiftly bring this episode to a close, by promptly issuing a negative preliminary determination in this investigation.

¹⁴ Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China, A-570-979, C-570-980, Auxin Solar's Request for an Anti-Circumvention Ruling (Feb. 8, 2022) ("Auxin Circ. Request"); see also Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order, 77 Fed. Reg. 73,017 (Dec. 7, 2012); Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order, 77 Fed. Reg. 73,018 (Dec. 7, 2012).

¹⁵ See e.g. 19 U.S.C § 1677j.

¹⁶ Tariff Act § 781(b)(1)(A)-(E).



A. “Minor or Insignificant” finding not supported

The processing of CSPV cells and modules in Cambodia, Malaysia, Thailand, and Vietnam is not “minor or insignificant,” as would be necessary for a positive or affirmative circumvention finding. This is a core finding, if not the core finding, for an anti-circumvention investigation as it gets at the heart of anti-circumvention: companies may not get around AD/CVD tariffs by merely engaging in superficial, insignificant processing in a non-covered country to avoid tariffs.

One of the critical processing steps that occurs in these four countries is converting a wafer into a cell – a complex and necessary technological process. NextEra Energy Constructors, LLC and Florida Power & Light Company (together, “NextEra”) submitted comments to Commerce, which rely upon expert testimony, to explain the technology and processing steps along the CSPV solar supply chain and the complex process of converting a wafer into a solar cell.¹⁷ NextEra’s expert asserts that the “wafer-to-cell stage is a critical step, enabling the generation of electricity, which is the essential nature of the subject merchandise” at issue in this case.

All parties involved, from Commerce, to solar developers in the U.S., to Auxin itself, have indeed already stated that the processing of CSPV modules and panels in these four countries is significant. NextEra explained, in part referring to this wafer-to-cell processing stage, “Auxin’s own statements on the issue, as well as previous findings by the USITC and the Department, confirm that the processing that occurs in third countries is not minor or insignificant, but is technologically complex, extensive, and capital intensive.”

Auxin itself emphasized their prior statements in support of the notion that this processing is complex and involved in an October 2021 submission to the U.S. International Trade Commission (“USITC”). Auxin stated that solar cell and module manufacturing was “capital intensive and technologically sophisticated.”¹⁸ Auxin’s very own comments run contrary to a finding that solar cell and module manufacturing is “minor or insignificant.”

Commerce has also previously “asked and answered this very question in the course of (previous) CSPV I proceedings,” according to public comment from Enel Green Power North America (“Enel”).¹⁹ As the Enel Public Filing discusses, in a prior 2012 decision covering the same AD/CVD orders at issue in Auxin’s petition, Commerce took the position that converting solar wafers into CSPV solar cells in a

¹⁷ Letter from NextEra Energy Constructors, LLC and Florida Power & Light Company to Hon. Gina Raimondo, DOC Case Nos. A-570-979 & C-570-980, dated May 2, 2022 (“NextEra Public Filing”).

¹⁸ Letter from Solar Energy Industries Association to Hon. Gina Raimondo, dated March 7, 2022 (“SEIA Letter”).

¹⁹ Letter from Enel Green Energy to Hon. Gina M. Raimondo, DOC Case Nos. A-570-979 & C-570-980, dated May 2, 2022 (“Enel Public Filing”).



third country did not warrant circumvention inquiries. Further, Enel explains, in Commerce's June 2015 ET Solar Scope Ruling, Commerce described the process of converting CSPV wafers into cells as "complex," "extensive" and "capital intensive." Furthermore, both the U.S. Customs and Border Protection and the U.S. Trade Commission have established that the "development of the parts in question are essential to imported cells and modules," according to Enel.

It should further be noted that weeks after Auxin submitted its petition to Commerce, the authors of the primary data used by Auxin, at BloombergNEF, disputed Auxin's use of their data that was foundational to their demonstration of the "minor or significant" criteria. Two key BloombergNEF solar analysts, Jenny Chase and Pol Lezcano, stated that "[w]e do not think Auxin's use of our data accurately reflects our research and certainly does not reflect our house view."²⁰ Auxin mentioned BloombergNEF data 38 times in its petition to support the "minor or significant" finding. This should at a minimum prompt Commerce to not rely on Auxin's claims based on this data. This revelation calls into serious doubt the validity of Auxin's entire petition given that this "minor and insignificant" finding is a core finding for circumvention investigations.

Taken together, these public comments, recent reports from Auxin's sourced data analysis calling into question Auxin's use of the data in its petition, and Commerce's previous actions, lay out persuasive arguments and rationale for Commerce to find that Auxin's petition fails to meet the requirement for "minor or insignificant." This alone is enough to issue a negative preliminary determination under the Tariff Act.

B. "Appropriate" finding not supported

In issuing an AD/CVD order, Commerce must determine whether action is "appropriate" to prevent evasion of an order.²¹ Public comments on the petition request lay out persuasively that AD/CVD tariffs are actually inappropriate on two counts: (1) such action would be catastrophic for the U.S. solar industry and the hundreds of thousands of Americans it employs; and (2) the industry that the AD/CVD orders on CSPV cells from China are designed to protect does not support circumvention findings. Furthermore, the term "appropriate" is not qualified in the Tariff Act and the statute does not limit the factors Commerce may consider in determining whether circumvention action is appropriate, so Commerce has considerable discretion to determine if it is appropriate to take circumvention action. Even if Commerce decided to only consider the mandatory factors, such as industry support, there is more than enough evidence to conclude that Auxin fails to meet this "appropriateness" test as outlined in numerous public comments.

²⁰ Julian Spector, BNEF says Auxin misinterpreted its research in calling for solar tariffs, CANARY MEDIA (May 18, 2022), https://www.canarymedia.com/articles/solar/bnef-says-auxin-misinterpreted-its-research-in-calling-for-solar-tariffs?mc_cid=2947289567&mc_eid=45a0bf5388

²¹ 19 U.S.C. § 1677j(b)(1)(E).



1. Affirmative circumvention findings would decimate U.S. solar deployment and threaten tens of thousands of U.S. jobs

The Tariff Act is designed broadly to protect the American workforce and industry, therefore, given the discretion under the Tariff Act for Commerce to consider factors in relation to its “appropriateness” finding, the broad impact that additional AD/CVD tariffs would have on the national workforce is a vital consideration.

Commerce’s inquiry has already thrown the U.S. solar industry into disarray. Logistics have screeched to halt, project schedules have been suspended, capital is sidelined, and projects have died or been mothballed. Since the investigation began in April, more than 300 solar projects across the country have been [canceled or delayed](#),²² putting [24 GW of clean power](#) at risk²³ and representing nearly half of all U.S. solar projects. In a May 6, 2022 letter to President Biden, the International Union of Operating Engineers (IUOE) noted that the inquiry threatens more than 100,000 American solar jobs, including 18,000 manufacturing jobs. IUOE wrote, “We can already see how the initiation of the circumvention investigation is negatively impacting workers and the entire U.S. solar industry.”²⁴ The solar industry has been one of the country’s fastest-growing employers for years, but circumvention orders would dramatically slow that growth.²⁵ In short, while AEE recognizes the importance of protecting and building American manufacturing, in this specific instance, Auxin is requesting this investigation to protect at most a few hundred jobs while ignoring that the price of this “protection” could be the loss of thousands of U.S. solar jobs – the contrast cannot be clearer when it comes to how an affirmative determination would impact American jobs.²⁶

Contrary to these illustrative comments by IUOE, Senator Brown and a few colleagues recently sent you a letter in support of the Auxin investigation based on several job-related claims.²⁷ As Commerce weighs all feedback and comments on the investigation, AEE understands that this letter may carry weight, as the members of Congress who signed the letter have strong, pro-labor backgrounds. AEE understand the case Senator Brown and his colleagues have laid out, that the AD/CVD authorities were enacted to ensure that American manufacturers and their employees do not suffer injury from

²² David Iaconangelo, Solar industry says 46% of U.S. projects at risk, Energywire (April 27, 2022)

<https://subscriber.politicopro.com/article/eenews/2022/04/27/solar-industry-says-46-of-u-s-projects-at-risk-00028064>

²³ Solar Energy Industries Association, Tariff Case Cuts Solar Deployment Forecasts Nearly in Half, 100,000 Jobs at Risk, (April 27, 2022)

<https://www.seia.org/news/tariff-case-cuts-solar-deployment-forecasts-nearly-half-100000-jobs-risk>

²⁴ Letter from International Union of Operating Engineers to Hon. Gina M. Raimondo, DOC Case Nos. A-570-979 & C-570-980, dated May 9, 2022 (“IUOE Public Filing”).

²⁵ Solar Energy Industries Association, Solar Installer: The Fastest Growing Job in America, (Oct. 26, 2017) <https://www.seia.org/blog/solar-installer-fastest-growing-job-america>

²⁶ Solar Energy Industries Association, “Impact of the Auxin Solar Tariff Petition”, (April 26, 2022) https://www.seia.org/sites/default/files/2022-04/FINAL%20Auxin%20Impact%20Analysis%202022-04-26_0.pdf

²⁷ Sen. Sherrod Brown, Letter to the President Supporting Trade Enforcement, (May 26, 2022)

https://www.brown.senate.gov/imo/media/doc/letter_to_president_biden_supporting_trade_enforcement.pdf



global anti-competitive market behavior. But, while the letter purports to support these goals, the Brown letter fails to provide evidence that an affirmative determination would result in a net positive impact on U.S. solar jobs.

The letter does not demonstrate this fundamental evidence because it does not exist. Importantly, Commerce must recognize the exact opposite: the evidence indicates that hundreds of thousands of jobs (both union and non-union) will be lost if Commerce chooses to protect Auxin's hope to be able to compete at the expense of the existing U.S. solar industry. The letter does not attempt to acknowledge the facts cited above. The letter also does not mention the fact that if successful, any additional tariffs implemented would help only Auxin and possibly a small handful of other PV manufacturers, and therefore a vanishingly small number of U.S. solar jobs. A top reason why unions often endorse or support Commerce's AD/CVD petitions is on the basis that they will protect a significant number of American jobs.²⁸ Indeed, a core purpose of these tariff authorities is precisely this – to protect employees from unfair trade practices by ensuring that cheaper, dumped goods do not result in American job losses; a position Senator Brown and his colleagues' support. AD/CVD tariffs must not be imputed when it would have the exact opposite effect, killing thousands of jobs, as this is contrary to the scope and purpose of the Tariff Act writ large. Senator Brown and his colleagues do not contend with this difficult fact.

The impact that an affirmative determination would have on U.S. solar industry jobs is significant, resulting in up to tens of thousands of lost jobs and related economic development – all at a time with worsening inflation and likely trajectory into an economic downturn. These projected impacts are well-documented and made repeatedly in public filings already made in this matter. Accordingly, the Department cannot find that it is "appropriate" to issue an affirmative determination.

2. The industry that the AD/CVD orders on CSPV cells from China are designed to protect does not support circumvention findings

The Tariff Act requires that Commerce must determine whether the industry supports the circumvention findings.²⁹ Specifically, Commerce must determine if the petition is supported on behalf of the industry through various methods included in the controlling regulations. In short, the regulations require at minimum that the petition establish support of domestic producers or workers

²⁸ See e.g. USW Endorses Trade Circumvention Cases: "Our Market is Under Attack. United Steel Workers (September 23, 2016), <https://www.usw.org/news/media-center/releases/2016/usw-endorses-trade-circumvention-cases-our-market-is-under-attack> (last visited May 25, 2022) ("The recent antidumping and countervailing duty cases have been vital to stabilizing our market and helping to restore fair pricing for many products. Tens of thousands of jobs have been saved) (emphasis added).

²⁹ Tariff Act § 781(c)(4)(D) ("if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the administering authority shall poll the industry or rely on other information in order to determine if there is support for the petition as required...or if there is a large number of producers in the industry, the administering authority may determine industry support for the petition by using any statistically valid sampling method to poll the industry.)

accounting for more than 50 percent of the total production of the domestic like product, and failing that, Commerce must poll the industry to determine the support.³⁰

The overwhelming evidence is clear that the industry does not support the Auxin petition – and certainly nowhere remotely near 50 percent of the domestic producers or 50 percent of workers serving domestic producers. Polling is not needed to determine this, as Commerce has received numerous public comments, particularly on behalf of solar industry groups such as the Solar Energy Industry Association (“SEIA”). The fundamental purpose of the AD/CVD legal regime is to remedy ongoing injury to a domestic industry caused by dumped or subsidized imports. In this case, it’s clear that the benefits of a circumvention finding would accrue only to an infinitesimally small segment of the U.S. solar industry. Notably, to date, Auxin is the only domestic CSPV module producer supporting this inquiry, even though there are other similar CSPV manufacturers. With this information, Auxin appears to not be able to establish this requirement outright.

SEIA, the American Council on Renewable Energy (“ACORE”), the American Clean Power Association (“ACP”), and nearly all the industry groups representing the U.S. clean energy industry and its diverse members – from utilities to developers of all sizes to financiers – are united in opposition to this action.³¹ Echoing a previous point, Commerce must not favor a company with a modest number of employees with a claimed inability to compete over the entire clean energy industry employing hundreds of thousands of people across the country competing vigorously to develop, construct, and finance GWs of solar projects. Indeed, this may even not be permissible under the controlling regulations referenced above and as articulated in NextEra’s Public Filing.

In pursuing circumvention against cells manufactured in Malaysia, Thailand, Vietnam, and Cambodia, Auxin’s petition is clearly tailored to serve its own interests at the expense of other manufacturers. About half of all cells imported into the U.S. originate in those four countries, but Auxin imports cells for its operation from Taiwan. Taiwanese manufacturers also rely on Chinese wafers but are conspicuously omitted from the Auxin petition. The NextEra Public Filing elaborates on this “core tension in Auxin’s argument.”

³⁰ Id. at subsection (c)(4)(d).

³¹ See, e.g., Letter from the United Brotherhood of Carpenters & Joiners of America to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 16, 2022); Letter from Advanced Power Alliance to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 17, 2022); Letter from Renewable Northwest to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 18, 2022); Letter from Alliance for Clean Energy New York to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 23, 2022); Letter from New Jersey Solar Energy Coalition to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 24, 2022); Letter from MAREC Action to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 25, 2022); Letter from American Clean Power to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 28, 2022); Letter from Clean Grid Alliance to the Honorable Gina M. Raimondo, Secretary of Commerce (Feb. 28, 2022); Letter from the AES Corporation to the Honorable Gina M. Raimondo, Secretary of Commerce (Mar. 1, 2022); Letter from the Solar Energy Industries Association to the Honorable Gina M. Raimondo, Secretary of Commerce (Mar. 7, 2022); Letter from Renewable Energy Vermont to the Honorable Gina M. Raimondo, Secretary of Commerce (Mar. 9, 2022); Letter from SOLV Energy to the Honorable Gina M. Raimondo, Secretary of Commerce (Mar. 9, 2022); Letter from Advanced Energy Economy to the Honorable Gina M. Raimondo, Secretary of Commerce (Mar. 9, 2022), etc.



AEE nevertheless recognizes that solar project developers are different from module producers like Auxin and understands that Commerce is particularly focused on this sub-segment of the U.S. solar industry, as is required by the Tariff Act. That is why it is critical for the Department's determination of this issue to know that Silfab Solar WA Inc., ("Silfab") the second largest American solar module producer, opposes Auxin's request, explaining that the inquiry "will have catastrophic consequences for U.S. domestic manufacturers of solar modules, U.S. manufacturing workers, and the broader solar industry."³² In this context, it would be inappropriate for Commerce to issue a positive circumvention finding and serve the interests of one small manufacturer at the expense of an entire industry – particularly when other U.S. module manufacturers like Silfab oppose the investigation.

Finally, AEE must note again the Senator Brown letter in this context. The letter accuses the solar industry of "special interest political pressure."³³ AEE must clarify that the public comments submitted in this matter are not "special interests," they are the overwhelming view of solar developers, solar industry workers, climate advocacy organizations, and indeed, even other CSPV module manufacturers who could stand to benefit like Silfab. Indeed, members of the Cabinet have made remarks to the same effect, from Special Envoy for Climate, John Kerry, to Secretary Granholm.³⁴ In this context, AEE must note that Ohio, Senator Brown's home state, is home to a First Solar manufacturing facility – one of the only other CSPV module domestic manufacturers outside of Auxin who could benefit from additional AD/CVD tariffs.³⁵ Most importantly, Commerce is required to take industry views into consideration under the controlling statute.³⁶ To paint this as "political pressure" is severely misleading, and in fact, plainly ignores the Tariff Act requirements.

While AEE understands that members of Congress will often, and should, act in the best interests of their constituents, as Senator Brown has done here with regards to First Solar and its workforce in Ohio, Commerce's obligations are nationwide. The views of members of Congress on trade issues are important, particularly of those like Senator Brown and his colleagues who have much-respected pro-labor backgrounds. But Commerce must also understand that the opposition from the U.S. solar industry is near-unanimous, and falls far, far short of what Commerce must find in order to issue an affirmative determination.

³² Letter from Hogan Lovells US LLP on behalf of Silfab Solar WA Inc. to Hon. Gina M. Raimondo, DOC Case Nos. A-570-979 & C-570-980, dated May 9, 2022 ("Silfab Public Filing").

³³ Sen. Sherrod Brown, Letter to the President Supporting Trade Enforcement, (May 26, 2022) https://www.brown.senate.gov/imo/media/doc/letter_to_president_biden_supporting_trade_enforcement.pdf

³⁴ Evan Halper, White House Alarmed that Commerce Probe 'smothering' solar industry, Washington Post (May 7, 2022 10:05 a.m.) <https://www.washingtonpost.com/business/2022/05/07/auxin-solar-projects-frozen/>

³⁵ Steve Maugeri, First Solar Investing \$680 million to expand Perrysburg manufacturing site, (Mar. 08, 2022) <https://spectrumnews1.com/oh/columbus/news/2022/03/05/first-solar-expanding-manufacturing-site>.

³⁶ Tariff Act § 781(c)(4)(D)



C. Commerce has discretion to issue preliminary determination

The controlling regulations authorize Commerce to issue a preliminary determination “no later than” 150 days after publication of initiation.³⁷ This is a maximum, not a minimum. Further, and most importantly, the regulations make explicitly clear that Commerce may act at any time, based on the information in the request and/or the information it has available thus far.³⁸ There is no obligation to wait until this August deadline. Commerce must act as expeditiously as possible.

While the President has directed Commerce to implement a 2-year pause on collection of additional AD/CVD tariffs, AEE understands from industry members that until Commerce issues a preliminary determination and implementing regulations pursuant to this order, there will not be sufficient market clarity to robustly restart stalled or cancelled solar projects. The two are linked together, as described previously. This only underscores the need for Commerce to issue a negative preliminary determination as soon as possible.

As Senator Schatz told Secretary Raimondo in a recent U.S. Senate hearing, “the administrative authority in the statute is the Secretary... and there is nothing inappropriate about [the Secretary] being more engaged in the process.”³⁹ The importance of the Secretary of Commerce doing so, for the U.S. solar industry, for American economic growth in the short- and long-term, and in the interests of a livable climate and the protection of public health, cannot be overstated.

Conclusion

In summation, AEE appreciates the opportunity to comments upon these important, and interconnected topics, as we stand ready to provide any addition input or expertise the administration, Congress and other relevant parties may request.

In the near-term, to address the disruption to global energy markets and rising prices brought about by Russia’s invasion of Ukraine, the administration is justified in invoking the DPA. To ensure that the DPA order produces the intended results, we urge Congress to provide additional resources to the DPA fund, and DOE to focus its appropriations under DPA on tangible, scalable technologies best able to provide economic relief to consumers while also cutting emissions.

³⁷ 19 C.F.R. § 351.226(e)(1) and (g)(1).

³⁸ Id. (“The Secretary will issue a preliminary determination, based upon the available information at the time...The Secretary will issue a preliminary determination under paragraph (g)(1) of this section no later than 150 days from the date of publication of the notice of initiation...”).

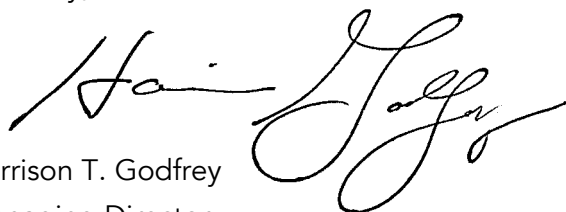
³⁹ A Review of the President’s Fiscal Year 2023 Funding Request for the Department of Commerce: Hearing before the Subcomm. on Appropriations for Commerce, Justice, Science, and Related Agencies, 117th Cong. 2nd Session (2022) (Statements of Senator Brian Schatz).



At the same time, to ensure that solar projects – one of the least-cost, and most scalable forms of advanced energy generation available today – can move forward, we likewise support the President’s decision to provide the industry a 24-month bridge through the suspension of trade duties from a targeted set of nations. In the immediate term, Commerce will need to provide additional clarity around the President’s announcement to ensure effective implementation, lest the “bridge” doesn’t work as intended. Beyond that, but also in the near-term, we likewise urge Commerce to provide an expedited, negative determination in the Auxin investigation.

All of these actions – utilization of the DPA, establishment of a trade “bridge”, and resolution of the Commerce investigation – should be seen as near-term measures to address energy prices and spur greater energy independence. The administration and Congress should therefore continue their efforts to enact and implement durable and effective-long term policies to bolster domestic advanced energy manufacturing. Only such predictable and sustainable policies will ensure that the U.S. rebuilds its manufacturing edge in this vital industry.

Sincerely,

A handwritten signature in black ink, appearing to read "Harrison T. Godfrey". The signature is fluid and cursive, with the first name "Harrison" written in a larger, more prominent script than the last name "Godfrey".

Harrison T. Godfrey

Managing Director

Advanced Energy Economy

Attn:

President Joseph R. Biden

Secretary Gina Raimondo, U.S. Department of Commerce

Secretary Jennifer Granholm, U.S. Department of Energy

Brian Deese, Director of the National Economic Council

Jake Sullivan, National Security Advisor

