

Congress of the United States
Washington, DC 20515

March 15, 2022

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Secretary Raimondo:

As Members of Congress committed to energy innovation and supporting domestic manufacturing, we write to encourage the U.S. Department of Commerce (DOC) to fully and fairly examine allegations that Chinese solar companies are circumventing antidumping and countervailing duties (AD/CVD) lawfully imposed on Chinese solar cells and modules.

As you know, in 2012, DOC affirmatively found that imports of certain solar cells and modules from China were unfairly subsidized and sold below market value, and the U.S. International Trade Commission subsequently determined that these imports materially injured domestic producers. Accordingly, DOC has maintained antidumping and countervailing duties on such imports of Chinese solar cells and modules.

On February 8, 2022, Auxin Solar, a U.S. manufacturer of crystalline solar photovoltaic modules, filed a request with DOC to investigate solar cells and modules imported from Cambodia, Malaysia, Thailand, and Vietnam that allegedly thwart AD/CVD duties. The petition alleges that Chinese solar companies have established affiliated operations in these countries to avoid paying the required AD/CVD duties. However, the petitioners allege that nearly all the subsidized supply chain, labor, research and development, and investment remain nested in China.

In addition to dumping and illegal subsidies, we support efforts to hold China accountable for its genocide and human rights abuses, especially on behalf of the Uyghurs, including specific and aggressive efforts focused on the solar supply chain. The DOC also has outlawed exports to certain Chinese companies that are known to use forced labor. Without question, we support existing enforcement efforts against China's abhorrent forced-labor programs.

The United States can and must robustly enforce its trade laws across the board. Further, the statutory prohibition against imports of goods made with forced labor is clear, and egregious forced labor violations in the solar supply chain in the Xinjiang Uyghur Autonomous Region are well-documented. Our understanding is that over the last several years, both domestic solar manufacturing and solar installations have experienced strong growth. The domestic module producers achieved a 10-year high in market share of 19.8 percent in 2019 and the solar industry

surpassed 3 million solar installations, the majority of which are residential.¹² We fully believe that American innovators will always succeed when given a level playing field and that full and fair enforcement of our trade laws is compatible with strong industry growth.

We urge DOC to fully and fairly examine the serious allegations in Auxin’s petition and take all appropriate action to enforce U.S. trade laws. Thank you for your prompt attention to this matter.

Sincerely,



Bill Pascrell, Jr.
Member of Congress



Brad Wenstrup
Member of Congress

/S/

Jody Arrington
Member of Congress

/S/

Judy Chu
Member of Congress

/S/

Peter DeFazio
Member of Congress

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Debbie Dingell
Member of Congress

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Marcy Kaptur
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Dan Kildee
Member of Congress

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Robert E. Latta
Member of Congress

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Lucy McBath
Member of Congress

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Cathy McMorris Rodgers
Member of Congress

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Bill Posey
Member of Congress

¹ <https://www.forbes.com/sites/kenrapoza/2021/03/14/how-chinas-solar-industry-is-set-up-to-be-the-new-green-opec/>

² <https://www.seia.org/us-solar-market-insight>

/S/

Tim Ryan
Member of Congress

/S/

Terri A. Sewell
Member of Congress

/S/

Thomas Suozzi
Member of Congress