

# United States Senate

WASHINGTON, DC 20510

June 25, 2024

Troy A. Miller  
Senior Official Performing the  
Duties of the Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Acting Commissioner Miller:

In June 2022, President Biden declared an emergency related to electricity generation capacity and authorized the Secretary of Commerce to waive certain duties on solar products originating from China but imported from four key Southeast Asian countries. Beginning this month, as the President previously committed, producers in Southeast Asia found to be circumventing duties on Chinese solar manufacturers will again be subject to duties that protect U.S. manufacturers.

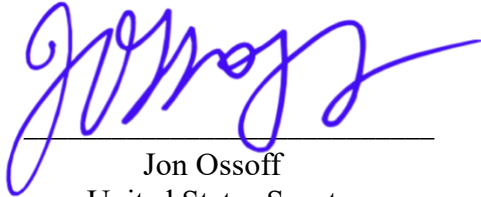
In an effort to prevent stockpiling, the Department of Commerce will require panels imported duty-free to be installed within 180 days or be subject to circumvention duties. According to the White House, your agency has announced that it will “vigorously enforce” the anti-stockpiling provision, including by “requiring importers to provide CBP a certification of solar module utilization with detailed information about the modules being deployed.” We urge that vigorous enforcement in the interest of American energy independence and energy security.

American manufacturers, spurred by incentives passed in the Inflation Reduction Act, have committed to America’s workers, economic development, and energy security. To demonstrate the Administration’s support for these workers and achieve our shared objective of supporting nascent investments in strategic American manufacturing, we respectfully request that you provide answers to the following questions, either in writing or through an in-person briefing with us, within 30 days:

1. Will all importers be required to submit a certificate of utilization to your agency upon installation if they imported solar products duty-free during the moratorium?
2. What detailed information will importers be required to provide your agency to substantiate the utilization requirement, and what will the deadline be for providing this information?
3. How will your agency use import data collected during the tariff moratorium to target enforcement efforts and ensure importers are complying with the 180-day utilization requirement?

4. What support will your agency provide to importers to assist with compliance efforts?
5. How will CBP enforce these provisions for importers who do not meet the utilization requirement?

Sincerely,



Jon Ossoff  
United States Senator



Sherrod Brown  
United States Senator