

AMENDMENT TO
RULES COMMITTEE PRINT 117-31
OFFERED BY MR. TONKO OF NEW YORK

At the end of title III of division C, add the following:

1 SEC. 20303. STATE FLEX-TECH ENERGY PROGRAM.

2 (a) IN GENERAL.—Part D of title III of the Energy
3 Policy and Conservation Act (42 U.S.C. 6321 et seq.) is
4 amended by adding at the end the following:

5 “SEC. 367. FLEX-TECH ENERGY PROGRAM TO ENHANCE
6 MANUFACTURING COMPETITIVENESS.

7 “(a) FINANCIAL ASSISTANCE.—Upon request from
8 the State energy agency of a State that has in effect an
9 approved State energy conservation plan under this part,
10 or an Indian Tribe, the Secretary shall provide financial
11 assistance to such State energy agency or Indian Tribe
12 to be used for the development, implementation, improve-
13 ment, or expansion of a flex-tech energy program de-
14 scribed in subsection (b) to enhance manufacturing com-
15 petitiveness.

16 “(b) FLEX-TECH ENERGY PROGRAM ELEMENTS.—

17 “(1) IN GENERAL.—A flex-tech energy program
18 may include—

1 “(A) provision of technical and administra-
2 tive assistance to manufacturers through quali-
3 fied engineering firms, as determined by the
4 State energy agency or Indian Tribe;

5 “(B) provision of financial assistance to
6 manufacturers—

7 “(i) for energy studies of manufac-
8 turing facilities that are conducted by
9 qualified engineering firms; and

10 “(ii) to support the implementation of
11 the measures and recommendations identi-
12 fied in energy studies conducted pursuant
13 to clause (i), including the design, acquisi-
14 tion, installation, testing, operation, main-
15 tenance, and repair of energy- and water-
16 using systems, resiliency-related measures,
17 emissions reduction-related measures, util-
18 ity cost savings measures, and measures
19 related to advanced manufacturing tech-
20 nologies and artificial intelligence; and

21 “(C) reporting on monitoring, tracking,
22 and success metrics of the program.

23 “(2) STUDIES.—An energy study of a manufac-
24 turing facility conducted pursuant to paragraph
25 (1)(B) may include—

1 “(A) an evaluation of the energy-using sys-
2 tems of the facility, including evaluation of the
3 performance of such systems relative to design
4 intent, operational needs of the facility and its
5 occupants, and operation and maintenance pro-
6 cedures;

7 “(B) an evaluation of emissions related to
8 the facility, including greenhouse gas emissions,
9 and recommendations on sustainability planning
10 and practices;

11 “(C) an evaluation of potential energy effi-
12 ciency, water efficiency, greenhouse gas emis-
13 sions mitigation, and load reduction measures
14 for the facility;

15 “(D) an evaluation of potential on-site en-
16 ergy measures, including grid-interactive effi-
17 ciency systems, combined heat and power, effi-
18 cient compressed air systems, energy storage,
19 energy management systems, renewable thermal
20 systems, and electrification or other forms of
21 fuel switching;

22 “(E) recommendations on the use of new
23 technologies by the applicable manufacturer;
24 and

1 “(F) detailed estimates of potential imple-
2 mentation costs, operating cost savings, energy
3 savings, emissions reductions, and simple pay-
4 back periods, for measures and recommenda-
5 tions identified in such study.

6 “(3) QUALIFIED ENGINEERING FIRMS.—A
7 State energy agency or Indian Tribe administering
8 a flex-tech energy program shall maintain and regu-
9 larly update a publicly available list of qualified engi-
10 neering firms that are approved by the State energy
11 agency or Indian Tribe to provide assistance to man-
12 ufacturers pursuant to this section.

13 “(c) FUNDING.—

14 “(1) ALLOCATION.—Except as provided in
15 paragraph (2), to the extent practicable, the Sec-
16 retary shall allocate funding made available to carry
17 out this section in accordance with the formula used
18 for distribution of Federal financial assistance pro-
19 vided pursuant to this part to States that have in ef-
20 fect an approved State energy conservation plan
21 under this part.

22 “(2) INDIAN TRIBES.—The Secretary shall set
23 aside and distribute not less than 5 percent of
24 amounts made available for each fiscal year to carry
25 out this section to provide financial assistance—

1 “(A) to Indian Tribes; or

2 “(B) directly to manufacturers located in
3 Indian Country or, in the case of Alaska, an
4 Alaska Native Village Statistical Area, as iden-
5 tified by the U.S. Census Bureau, for energy
6 studies and implementation of the measures
7 and recommendations identified in such energy
8 studies, as described in subsection (b)(1)(B).

9 “(3) USE OF FUNDS.—

10 “(A) ENERGY STUDIES; ADMINISTRATIVE
11 EXPENSES.—A State energy agency or Indian
12 Tribe that receives financial assistance pursu-
13 ant to this section for a fiscal year may not—

14 “(i) use more than 50 percent of such
15 financial assistance for energy studies;

16 “(ii) use more than 50 percent of such
17 financial assistance to support the imple-
18 mentation of recommendations from such
19 energy studies; and

20 “(iii) use more than 10 percent of
21 such financial assistance for administrative
22 expenses, including for outreach and tech-
23 nical assistance.

24 “(B) INDIVIDUAL MANUFACTURING FACIL-
25 ITY.—A State energy agency that receives fi-

1 nancial assistance pursuant to this section for
2 a fiscal year may not use more than 5 percent
3 of such financial assistance with respect to an
4 individual manufacturing facility.

5 “(4) SUPPLEMENT.—Financial assistance pro-
6 vided to a State energy agency or Indian Tribe pur-
7 suant to this section shall be used to supplement,
8 not supplant, any Federal, State, or other funds oth-
9 erwise made available to such State under this part.

10 “(5) FINANCING.—To the extent practicable, a
11 State energy agency or Indian Tribe shall implement
12 a flex-tech energy program described in subsection
13 (b) using funding provided under this Act, public fi-
14 nancing, private financing, or any other sources of
15 funds.

16 “(d) TECHNICAL ASSISTANCE.—

17 “(1) IN GENERAL.—Upon request of a State
18 energy agency or Indian Tribe, the Secretary shall
19 provide information and technical assistance in the
20 development, implementation, improvement, or ex-
21 pansion of a flex-tech energy program described in
22 subsection (b).

23 “(2) INCLUSIONS.—Technical assistance pro-
24 vided pursuant to paragraph (1) may include pro-
25 gram design options to, with respect to manufactur-

1 ers that employ fewer than 500 full-time equivalent
2 employees at a manufacturing facility—

3 “(A) meet the needs of such manufactur-
4 ers; and

5 “(B) encourage the use of advanced manu-
6 facturing processes by such manufacturers, in-
7 cluding use of additive manufacturing, ad-
8 vanced sensors and controls, techniques to re-
9 duce embedded emissions, and advanced com-
10 posite materials.

11 “(e) DEFINITIONS.—In this section:

12 “(1) INDIAN COUNTRY.—The term ‘Indian
13 Country’ means—

14 “(A) all land within the limits of any In-
15 dian reservation under the jurisdiction of the
16 United States Government, notwithstanding the
17 issuance of any patent, and, including rights-of-
18 way running through the reservation;

19 “(B) all dependent Indian communities
20 within the borders of the United States whether
21 within the original or subsequently acquired ter-
22 ritory thereof, and whether within or without
23 the limits of a State; and

24 “(C) all Indian allotments, the Indian ti-
25 tles to which have not been extinguished, in-

1 including rights-of-way running through the
2 same.

3 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
4 has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 5304).

7 “(3) STATE ENERGY AGENCY.—The term ‘State
8 energy agency’ has the meaning given such term in
9 section 391(10).”.

10 (b) CONFORMING AMENDMENT.—The table of con-
11 tents for the Energy Policy and Conservation Act is
12 amended by adding after the item related to section 366
13 the following:

“Sec. 367. Flex-tech energy program to enhance manufacturing competitive-
ness.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
15 365(f) of the Energy Policy and Conservation Act (42
16 U.S.C. 6325(f)) is amended by adding at the end the fol-
17 lowing:

18 “(3) FLEX-TECH ENERGY PROGRAM TO EN-
19 HANCE MANUFACTURING COMPETITIVENESS.—In
20 addition to the authorization of appropriations under
21 paragraph (1), for the purposes of carrying out sec-
22 tion 367, there is authorized to be appropriated

1 \$100,000,000 for each of fiscal years 2022 through
2 2026.”.

