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:

SEC. 20303. STATE FLEX-TECH ENERGY PROGRAM.

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

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

“(a) FINANCIAL ASSISTANCE.—Upon request from the State energy agency of a State that has in effect an approved State energy conservation plan under this part, or an Indian Tribe, the Secretary shall provide financial assistance to such State energy agency or Indian Tribe to be used for the development, implementation, improvement, or expansion of a flex-tech energy program described in subsection (b) to enhance manufacturing competitiveness.

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

“(1) IN GENERAL.—A flex-tech energy program may include—
“(A) provision of technical and administrative assistance to manufacturers through qualified engineering firms, as determined by the State energy agency or Indian Tribe;

“(B) provision of financial assistance to manufacturers—

“(i) for energy studies of manufacturing facilities that are conducted by qualified engineering firms; and

“(ii) to support the implementation of the measures and recommendations identified in energy studies conducted pursuant to clause (i), including the design, acquisition, installation, testing, operation, maintenance, and repair of energy- and water-using systems, resiliency-related measures, emissions reduction-related measures, utility cost savings measures, and measures related to advanced manufacturing technologies and artificial intelligence; and

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

“(2) STUDIES.—An energy study of a manufacturing facility conducted pursuant to paragraph (1)(B) may include—
“(A) an evaluation of the energy-using systems of the facility, including evaluation of the performance of such systems relative to design intent, operational needs of the facility and its occupants, and operation and maintenance procedures;

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

“(C) an evaluation of potential energy efficiency, water efficiency, greenhouse gas emissions mitigation, and load reduction measures for the facility;

“(D) an evaluation of potential on-site energy measures, including grid-interactive efficiency systems, combined heat and power, efficient compressed air systems, energy storage, energy management systems, renewable thermal systems, and electrification or other forms of fuel switching;

“(E) recommendations on the use of new technologies by the applicable manufacturer; and
“(F) detailed estimates of potential implementation costs, operating cost savings, energy savings, emissions reductions, and simple payback periods, for measures and recommendations identified in such study.

“(3) QUALIFIED ENGINEERING FIRMS.—A State energy agency or Indian Tribe administering a flex-tech energy program shall maintain and regularly update a publicly available list of qualified engineering firms that are approved by the State energy agency or Indian Tribe to provide assistance to manufacturers pursuant to this section.

“(c) FUNDING.—

“(1) ALLOCATION.—Except as provided in paragraph (2), to the extent practicable, the Secretary shall allocate funding made available to carry out this section in accordance with the formula used for distribution of Federal financial assistance provided pursuant to this part to States that have in effect an approved State energy conservation plan under this part.

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

“(B) directly to manufacturers located in

Indian Country or, in the case of Alaska, an

Alaska Native Village Statistical Area, as iden-
tified by the U.S. Census Bureau, for energy

studies and implementation of the measures

and recommendations identified in such energy

studies, as described in subsection (b)(1)(B).

“(3) USE OF FUNDS.—

“(A) ENERGY STUDIES; ADMINISTRATIVE

EXPENSES.—A State energy agency or Indian

Tribe that receives financial assistance pursu-
ant to this section for a fiscal year may not—

“(i) use more than 50 percent of such

financial assistance for energy studies;

“(ii) use more than 50 percent of such

financial assistance to support the imple-
mentation of recommendations from such

energy studies; and

“(iii) use more than 10 percent of

such financial assistance for administrative

expenses, including for outreach and tech-

nical assistance.

“(B) INDIVIDUAL MANUFACTURING FACIL-

ITY.—A State energy agency that receives fi-
financial assistance pursuant to this section for
a fiscal year may not use more than 5 percent
of such financial assistance with respect to an
individual manufacturing facility.

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

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

“(d) TECHNICAL ASSISTANCE.—

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

“(2) INCLUSIONS.—Technical assistance pro-
vided pursuant to paragraph (1) may include pro-
gram design options to, with respect to manufactur-
ers that employ fewer than 500 full-time equivalent
employees at a manufacturing facility—

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

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

“(e) DEFINITIONS.—In this section:

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

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

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

“(C) all Indian allotments, the Indian ti-
tles to which have not been extinguished, in-
including rights-of-way running through the
same.

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’
has the meaning given the term in section 4 of the
Indian Self-Determination and Education Assistance

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

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

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

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

“(3) FLEX-TECH ENERGY PROGRAM TO EN-
HANCE MANUFACTURING COMPETITIVENESS.—In
addition to the authorization of appropriations under
paragraph (1), for the purposes of carrying out sec-
tion 367, there is authorized to be appropriated
$100,000,000 for each of fiscal years 2022 through 2026.”