

117TH CONGRESS  
1ST SESSION

# H. R. 4676

To provide financial assistance to States and Indian Tribes for the development, implementation, improvement, or expansion of a flex-tech energy program to enhance manufacturing competitiveness, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2021

Mr. TONKO introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide financial assistance to States and Indian Tribes for the development, implementation, improvement, or expansion of a flex-tech energy program to enhance manufacturing competitiveness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Industrial Com-  
5 petitiveness Act of 2021”.

1 **SEC. 2. 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—

19 “(A) provision of technical and administra-  
20 tive assistance to manufacturers through quali-  
21 fied engineering firms, as determined by the  
22 State energy agency or Indian Tribe;

23 “(B) provision of financial assistance to  
24 manufacturers—

1 “(i) for energy studies of manufac-  
2 turing facilities that are conducted by  
3 qualified engineering firms; and

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

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

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

20 “(A) an evaluation of the energy-using sys-  
21 tems of the facility, including evaluation of the  
22 performance of such systems relative to design  
23 intent, operational needs of the facility and its  
24 occupants, and operation and maintenance pro-  
25 cedures;

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

5           “(C) an evaluation of potential energy effi-  
6           ciency, water efficiency, greenhouse gas emis-  
7           sions mitigation, and load reduction measures  
8           for the facility;

9           “(D) an evaluation of potential on-site en-  
10          ergy measures, including grid-interactive effi-  
11          ciency systems, combined heat and power, effi-  
12          cient compressed air systems, energy storage,  
13          energy management systems, renewable thermal  
14          systems, and electrification or other forms of  
15          fuel switching;

16          “(E) recommendations on the use of new  
17          technologies by the applicable manufacturer;  
18          and

19          “(F) detailed estimates of potential imple-  
20          mentation costs, operating cost savings, energy  
21          savings, emissions reductions, and simple pay-  
22          back periods, for measures and recommenda-  
23          tions identified in such study.

24          “(3) QUALIFIED ENGINEERING FIRMS.—A  
25          State energy agency or Indian Tribe administering

1 a flex-tech energy program shall maintain and regu-  
2 larly update a publicly available list of qualified engi-  
3 neering firms that are approved by the State energy  
4 agency or Indian Tribe to provide assistance to man-  
5 ufacturers pursuant to this section.

6 “(c) FUNDING.—

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

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

19 “(A) to Indian Tribes; or

20 “(B) directly to manufacturers located in  
21 Indian Country or, in the case of Alaska, an  
22 Alaska Native Village Statistical Area, as iden-  
23 tified by the U.S. Census Bureau, for energy  
24 studies and implementation of the measures

1 and recommendations identified in such energy  
2 studies, as described in subsection (b)(1)(B).

3 “(3) USE OF FUNDS.—

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

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

10 “(ii) use more than 50 percent of such  
11 financial assistance to support the imple-  
12 mentation of recommendations from such  
13 energy studies; and

14 “(iii) use more than 10 percent of  
15 such financial assistance for administrative  
16 expenses, including for outreach and tech-  
17 nical assistance.

18 “(B) INDIVIDUAL MANUFACTURING FACIL-  
19 ITY.—A State energy agency that receives fi-  
20 nancial assistance pursuant to this section for  
21 a fiscal year may not use more than 5 percent  
22 of such financial assistance with respect to an  
23 individual manufacturing facility.

24 “(4) SUPPLEMENT.—Financial assistance pro-  
25 vided to a State energy agency or Indian Tribe pur-

1       suant to this section shall be used to supplement,  
2       not supplant, any Federal, State, or other funds oth-  
3       erwise made available to such State under this part.

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

10       “(d) TECHNICAL ASSISTANCE.—

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

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

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

24                       “(B) encourage the use of advanced manu-  
25       facturing processes by such manufacturers, in-

cluding use of additive manufacturing, advanced sensors and controls, techniques to reduce embedded emissions, and advanced composite materials.

“(e) DEFINITIONS.—In this section:

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

“(A) all land within the limits of any Indian 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 territory thereof, and whether within or without the limits of a State; and

“(C) all Indian allotments, the Indian titles to which have not been extinguished, 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 Act (25 U.S.C. 5304).



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

11 (1) by striking “For the purpose of carrying  
12 out this part” and inserting “(1) For the purpose of  
13 carrying out this part”;

17 (3) by adding at the end the following:

18       “(2) In addition to the authorization of appropria-  
19       tions under paragraph (1), for the purposes of carrying  
20       out section 367, there are authorized to be appropriated  
21       \$100,000,000 for each of fiscal years 2022 through  
22       2026.”.

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