

Calendar No. 362

116TH CONGRESS
1ST SESSION

S. 2799

To require the Secretary of Energy and the Secretary of the Interior to establish a joint Nexus of Energy and Water Sustainability Office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2019

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 17, 2019

Reported by Ms. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To require the Secretary of Energy and the Secretary of the Interior to establish a joint Nexus of Energy and Water Sustainability Office, 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 “Nexus of Energy and
5 Water for Sustainability Act of 2019” or the “NEWS Act
6 of 2019”.

1 **SEC. 2. NEXUS OF ENERGY AND WATER FOR SUSTAIN-**
2 **ABILITY.**

3 (a) DEFINITIONS.—In this section:

4 (1) ENERGY-WATER NEXUS.—The term “en-
5 ergy-water nexus” means the links between—

6 (A) the water needed to produce fuels,
7 electricity, and other forms of energy; and

8 (B) the energy needed to transport, re-
9 claim, and treat water and wastewater.

10 (2) INTERAGENCY COORDINATION COM-
11 MITTEE.—The term “Interagency Coordination
12 Committee” means the Committee on the Nexus of
13 Energy and Water for Sustainability (or the
14 “NEWS Committee”) established under subsection
15 (b)(1).

16 (3) NEXUS OF ENERGY AND WATER SUSTAIN-
17 ABILITY OFFICE; NEWS OFFICE.—The term “Nexus
18 of Energy and Water Sustainability Office” or the
19 “NEWS Office” means an office located at the De-
20 partment of Energy and managed in cooperation
21 with the Department of the Interior pursuant to an
22 agreement between the 2 agencies to carry out lead-
23 ership and administrative functions for the Inter-
24 agency Coordination Committee.

25 (4) RD&D.—The term “RD&D” means re-
26 search, development, and demonstration.

1 (b) INTERAGENCY COORDINATION COMMITTEE.—

2 (1) ESTABLISHMENT.—Not later than 180 days
3 after the date of enactment of this Act, the Sec-
4 retary of Energy and the Secretary of the Interior
5 shall establish the joint NEWS Office and Inter-
6 agency Coordination Committee on the Nexus of En-
7 ergy and Water for Sustainability (or the “NEWS
8 Committee”) to carry out the duties described in
9 paragraph (3).

10 (2) ADMINISTRATION.—

11 (A) CHAIRS.—The Secretary of Energy
12 and the Secretary of the Interior shall jointly
13 manage the NEWS Office and serve as co-
14 chairs of the Interagency Coordination Com-
15 mittee.

16 (B) MEMBERSHIP; STAFFING.—Member-
17 ship and staffing shall be determined by the co-
18 chairs.

19 (3) DUTIES.—The Interagency Coordination
20 Committee shall—

21 (A) serve as a forum for developing com-
22 mon Federal goals and plans on energy-water
23 nexus RD&D activities in coordination with the
24 National Science and Technology Council;

1 (B) not later than 1 year after the date of
2 enactment of this Act, and biennially thereafter,
3 issue a strategic plan on energy-water nexus
4 RD&D activities priorities and objectives;

5 (C) convene and promote coordination of
6 the activities of Federal departments and agen-
7 cies on energy-water nexus RD&D activities, in-
8 cluding the activities of—

- 9 (i) the Department of Energy;
- 10 (ii) the Department of the Interior;
- 11 (iii) the Corps of Engineers;
- 12 (iv) the Department of Agriculture;
- 13 (v) the Department of Defense;
- 14 (vi) the Department of State;
- 15 (vii) the Environmental Protection
16 Agency;
- 17 (viii) the Council on Environmental
18 Quality;
- 19 (ix) the National Institute of Stand-
20 ards and Technology;
- 21 (x) the National Oceanic and Atmos-
22 pheric Administration;
- 23 (xi) the National Science Foundation;
- 24 (xii) the Office of Management and
25 Budget;

1 (xiii) the Office of Science and Tech-
2 nology Policy;

3 (xiv) the National Aeronautics and
4 Space Administration; and

5 (xv) such other Federal departments
6 and agencies as the Interagency Coordina-
7 tion Committee considers appropriate;

8 (D)(i) coordinate and develop capabilities
9 and methodologies for data collection, manage-
10 ment, and dissemination of information related
11 to energy-water nexus RD&D activities from
12 and to other Federal departments and agencies;
13 and

14 (ii) promote information exchange be-
15 tween Federal departments and agencies—

16 (I) to identify and document
17 Federal and non-Federal programs
18 and funding opportunities that sup-
19 port basic and applied RD&D pro-
20 posals to advance energy-water nexus
21 related science and technologies;

22 (II) to leverage existing programs
23 by encouraging joint solicitations,
24 block grants, and matching programs
25 with non-Federal entities; and

1 (III) to identify opportunities for
2 domestic and international public-pri-
3 vate partnerships, innovative financ-
4 ing mechanisms, and information and
5 data exchange;

6 (E) promote the integration of energy-
7 water nexus considerations into existing Federal
8 water, energy, and other natural resource, in-
9 frastructure, and science programs at the na-
10 tional and regional levels and with programs
11 administered in partnership with non-Federal
12 entities; and

13 (F) not later than 1 year after the date of
14 enactment of this Act, issue a report on the po-
15 tential benefits and feasibility of establishing an
16 energy-water center of excellence within the Na-
17 tional Laboratories (as that term is defined in
18 section 2 of the Energy Policy Act of 2005 (42
19 U.S.C. 15801)).

20 (4) NO REGULATION.—Nothing in this sub-
21 section grants to the Interagency Coordination Com-
22 mittee the authority to promulgate regulations or set
23 standards.

24 (5) REVIEW; REPORT.—At the end of the 5-
25 year period beginning on the date on which the

1 Interagency Coordination Committee and NEWS Of-
2 fice are established, the NEWS Office shall—

3 (A) review the activities, relevance, and ef-
4 fectiveness of the Interagency Coordination
5 Committee; and

6 (B) submit to the Committee on Energy
7 and Natural Resources of the Senate and the
8 Committees on Science, Space, and Technology,
9 Energy and Commerce, and Natural Resources
10 of the House of Representatives a report that—

11 (i) describes the results of the review
12 conducted under subparagraph (A); and

13 (ii) includes a recommendation on
14 whether the Interagency Coordination
15 Committee should continue.

16 (c) CROSSCUT BUDGET.—Not later than 30 days
17 after the President submits the budget of the United
18 States Government under section 1105 of title 31, United
19 States Code, the co-chairs of the Interagency Coordination
20 Committee (acting through the NEWS Office) shall sub-
21 mit to the Committee on Energy and Natural Resources
22 of the Senate and the Committees on Science, Space, and
23 Technology, Energy and Commerce, and Natural Re-
24 sources of the House of Representatives, an interagency
25 budget crosscut report that displays at the program-,

1 project-, and activity-level for each of the Federal agencies
 2 that carry out or support (including through grants, con-
 3 tracts, interagency and intraagency transfers, and
 4 multiyear and no-year funds) basic and applied RD&D ac-
 5 tivities to advance the energy-water nexus related science
 6 and technologies—

7 (1) the budget proposed in the budget request
 8 of the President for the upcoming fiscal year;

9 (2) expenditures and obligations for the prior
 10 fiscal year; and

11 (3) estimated expenditures and obligations for
 12 the current fiscal year.

13 **SEC. 3. SMART ENERGY AND WATER EFFICIENCY PILOT**
 14 **PROGRAM.**

15 (a) IN GENERAL.—Subtitle A of title IX of the En-
 16 ergy Policy Act of 2005 (42 U.S.C. 16191 et seq.) is
 17 amended by adding at the end the following:

18 **“SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT**
 19 **PROGRAM.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 22 tity’ means—

23 “(A) a utility;

24 “(B) a municipality;

25 “(C) a water district;

1 “(D) an Indian tribe or Alaska Native vil-
2 lage; and

3 “(E) any other authority that provides
4 water, wastewater, or water reuse services.

5 “(2) SMART ENERGY AND WATER EFFICIENCY
6 PILOT PROGRAM.—The term ‘smart energy and
7 water efficiency pilot program’ or ‘pilot program’
8 means the pilot program established under sub-
9 section (b).

10 “(b) SMART ENERGY AND WATER EFFICIENCY
11 PILOT PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish and carry out a smart energy and water effi-
14 ciency pilot program in accordance with this section.

15 “(2) PURPOSE.—The purpose of the smart en-
16 ergy and water efficiency pilot program is to award
17 grants to eligible entities to demonstrate unique, ad-
18 vanced, or innovative technology-based solutions that
19 will—

20 “(A) improve the net energy balance of
21 water, wastewater, and water reuse systems;

22 “(B) improve the net energy balance of
23 water, wastewater, and water reuse systems to
24 help communities across the United States

1 make measurable progress in conserving water,
2 saving energy, and reducing costs;

3 “(C) support the implementation of inno-
4 vative and unique processes and the installation
5 of established advanced automated systems that
6 provide real-time data on energy and water; and

7 “(D) improve energy-water conservation
8 and quality and predictive maintenance through
9 technologies that utilize internet connected
10 technologies, including sensors, intelligent gate-
11 ways, and security embedded in hardware.

12 “(3) PROJECT SELECTION.—

13 “(A) IN GENERAL.—The Secretary shall
14 make competitive, merit-reviewed grants under
15 the pilot program to not less than 3, but not
16 more than 5, eligible entities.

17 “(B) SELECTION CRITERIA.—In selecting
18 an eligible entity to receive a grant under the
19 pilot program, the Secretary shall consider—

20 “(i) energy and cost savings;

21 “(ii) the uniqueness, commercial via-
22 bility, and reliability of the technology to
23 be used;

1 “(iii) the degree to which the project
2 integrates next-generation sensors soft-
3 ware, analytics, and management tools;

4 “(iv) the anticipated cost-effectiveness
5 of the pilot project through measurable en-
6 ergy savings, water savings or reuse, and
7 infrastructure costs averted;

8 “(v) whether the technology can be
9 deployed in a variety of geographic regions
10 and the degree to which the technology can
11 be implemented in a wide range of applica-
12 tions ranging in scale from small towns to
13 large cities, including tribal communities;

14 “(vi) whether the technology has been
15 successfully deployed elsewhere;

16 “(vii) whether the technology was
17 sourced from a manufacturer based in the
18 United States; and

19 “(viii) whether the project will be
20 completed in 5 years or less.

21 “(C) APPLICATIONS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), an eligible entity seeking a grant
24 under the pilot program shall submit to
25 the Secretary an application at such time,

1 in such manner, and containing such infor-
2 mation as the Secretary determines to be
3 necessary.

4 “(ii) CONTENTS.—An application
5 under clause (i) shall, at a minimum, in-
6 clude—

7 “(I) a description of the project;

8 “(II) a description of the tech-
9 nology to be used in the project;

10 “(III) the anticipated results, in-
11 cluding energy and water savings, of
12 the project;

13 “(IV) a comprehensive budget for
14 the project;

15 “(V) the names of the project
16 lead organization and any partners;

17 “(VI) the number of users to be
18 served by the project;

19 “(VII) a description of the ways
20 in which the proposal would meet per-
21 formance measures established by the
22 Secretary; and

23 “(VIII) any other information
24 that the Secretary determines to be

1 necessary to complete the review and
2 selection of a grant recipient.

3 “(4) ADMINISTRATION.—

4 “(A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this section, the
6 Secretary shall select grant recipients under
7 this section.

8 “(B) EVALUATIONS.—

9 “(i) ANNUAL EVALUATIONS.—The
10 Secretary shall annually carry out an eval-
11 uation of each project for which a grant is
12 provided under this section that meets per-
13 formance measures and benchmarks devel-
14 oped by the Secretary, consistent with the
15 purposes of this section.

16 “(ii) REQUIREMENTS.—Consistent
17 with the performance measures and bench-
18 marks developed under clause (i), in car-
19 rying out an evaluation under that clause,
20 the Secretary shall—

21 “(I) evaluate the progress and
22 impact of the project; and

23 “(II) assesses the degree to
24 which the project is meeting the goals
25 of the pilot program.

1 “(C) TECHNICAL AND POLICY ASSIST-
 2 ANCE.—On the request of a grant recipient, the
 3 Secretary shall provide technical and policy as-
 4 sistance.

5 “(D) BEST PRACTICES.—The Secretary
 6 shall make available to the public through the
 7 Internet and other means the Secretary con-
 8 siders to be appropriate—

9 “(i) a copy of each evaluation carried
 10 out under subparagraph (B); and

11 “(ii) a description of any best prac-
 12 tices identified by the Secretary as a result
 13 of those evaluations.

14 “(E) REPORT TO CONGRESS.—The Sec-
 15 retary shall submit to Congress a report con-
 16 taining the results of each evaluation carried
 17 out under subparagraph (B).

18 ~~“(e) AUTHORIZATION OF APPROPRIATIONS.—There~~
 19 ~~is authorized to be appropriated to carry out this section~~
 20 ~~\$15,000,000, to remain available until expended.~~

21 “(c) *FUNDING.—The Secretary shall use funds made*
 22 *available to the Secretary and not otherwise obligated to*
 23 *carry out this section.*”.

24 (b) CONFORMING AMENDMENT.—The table of con-
 25 tents of the Energy Policy Act of 2005 (Public Law 109–

- 1 58; 119 Stat. 594) is amended by inserting after the item
- 2 relating to section 917 the following:

“Sec. 918. Smart energy and water efficiency pilot program.”.

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