

RUSH and PALLONE, as well as the committee staffs on both sides, for their work with our office to help this bill move forward. In particular, to echo Chairman WHITFIELD's comments, he has been an incredible partner with us as we have tried to move this bill forward, and I am truly grateful for his assistance in doing so.

Mr. Speaker, every year regulators in New England hold energy capacity auctions to ensure that we have sufficient energy that is generated to meet consumer demand. Two years ago, during an auction, there was a shortfall that triggered administrative pricing at triple the current capacity payments, skyrocketing from about \$1 billion to \$3 billion.

That rate increase hasn't even reached our constituents yet, and our region already pays the highest energy rates in the continental United States. Next June, a significant portion of their bills will triple due to that auction.

When the Federal Energy Regulatory Commission reviewed the rate increase, it was down to four commissioners and it deadlocked 2-2. One Democratic Commissioner and one Republican Commissioner raised concerns about whether those rates were just and reasonable for consumers. However, the rates took effect by operation of law without any action from FERC; and because there was no official decision by FERC, there was no decision to appeal, holding our constituents voiceless.

Another annual auction just took place last month with rates, again, that were three times higher than they are today. Those rates are, again, being reviewed by a shorthanded FERC, which sets up the potential for the exact same outcome of consumers, once again, being shut out of the process.

With bipartisan support and endorsements from the American Public Power Association, the New England Public Power Association, the National Rural Electric Cooperative Association, my bill, the Fair RATES Act, would simply ensure that avenues of good governance remain open. It provides that if at any time rate changes take effect by operation of law without Commission action, deadlocked or otherwise, aggrieved parties retain the right to protest those rates through the process that is outlined by the Federal Power Act.

I am the first to admit that this is a complex issue, but my bill is a simple fix to a complex problem. When we as lawmakers identify a flaw in one of our laws, especially one that unduly harms our constituents, it is our obligation to act to amend the law.

The unpredictability of my region's energy rates means families can't save for the future and local businesses can't grow. The least we can do is to ensure that they will never be held voiceless when their electric bills arrive at the end of each month; so I urge my colleagues to support this bill.

Mr. Speaker, I also want to give particular thanks to the committee staffs on both the majority and minority sides, including Patrick Currier, Allison Trexler, Rick Kessler, Caitlin Haberman, and Alexander Ratner.

Finally, I have to acknowledge somebody on my own team, Eric Fins, who knows more about energy rates and capacity markets than he ever thought he would, and I am grateful for that. He is now writing a law school essay on the topic.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, in conclusion, I do want to thank the gentleman from Massachusetts, once again, for bringing this important issue before us.

We must allow the public to have administrative process relief, and this legislation will do that in those cases when FERC does not actually issue an order; so I would urge the passage of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 2984.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ENERGY EFFICIENT GOVERNMENT TECHNOLOGY ACT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1268) to amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Efficient Government Technology Act".

#### SEC. 2. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

(a) AMENDMENT.—Subtitle C of title V of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1661) is amended by adding at the end the following:

#### "SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(2) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 11101 of title 40, United States Code.

"(b) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this section, each Federal agency shall coordinate with the Director, the Secretary, and the Administrator of the Environmental Protection Agency to develop an implementation strategy (that in-

cludes best practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies, taking into consideration the performance goals established under subsection (d).

"(c) ADMINISTRATION.—In developing an implementation strategy under subsection (b), each Federal agency shall consider—

- "(1) advanced metering infrastructure;
- "(2) energy-efficient data center strategies and methods of increasing asset and infrastructure utilization;
- "(3) advanced power management tools;
- "(4) building information modeling, including building energy management;
- "(5) secure telework and travel substitution tools; and
- "(6) mechanisms to ensure that the agency realizes the energy cost savings brought about through increased efficiency and utilization.

"(d) PERFORMANCE GOALS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology.

"(2) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall recommend best practices for the attainment of the performance goals, which shall include Federal agency consideration of, to the extent applicable by law, the use of—

- "(A) energy savings performance contracting; and
- "(B) utility energy services contracting.

"(e) REPORTS.—

"(1) AGENCY REPORTS.—Each Federal agency shall include in the report of the agency under section 527 a description of the efforts and results of the agency under this section.

"(2) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2017, the Director shall include in the annual report and scorecard of the Director required under section 528 a description of the efforts and results of Federal agencies under this section."

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Independence and Security Act of 2007 is amended by adding after the item relating to section 529 the following:

"Sec. 530. Energy-efficient and energy-saving information technologies."

#### SEC. 3. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

- (1) in subsection (b)(2)(D)(iv), by striking "determined by the organization" and inserting "proposed by the stakeholders";
- (2) by striking subsection (b)(3); and
- (3) by striking subsections (c) through (g) and inserting the following:

"(c) STAKEHOLDER INVOLVEMENT.—The Secretary and the Administrator shall carry out subsection (b) in collaboration with the information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the most relevant and useful information available. In such collaboration, the Secretary and the Administrator shall pay particular attention to organizations that—

- "(1) have members with expertise in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, such as representatives of hardware manufacturers, data center operators, and facility managers;

“(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise;

“(3) follow—

“(A) commonly accepted procedures for the development of specifications; and

“(B) accredited standards development processes; and

“(4) have a mission to promote energy efficiency for data centers and information technology.

“(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, best practices, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency.

“(e) STUDY.—The Secretary, in collaboration with the Administrator, shall, not later than 18 months after the date of enactment of the Energy Efficient Government Technology Act, make available to the public an update to the Report to Congress on Server and Data Center Energy Efficiency published on August 2, 2007, under section 1 of Public Law 109-431 (120 Stat. 2920), that provides—

“(1) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2008 through 2015;

“(2) an analysis considering the impact of information technologies, including virtualization and cloud computing, in the public and private sectors;

“(3) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage;

“(4) an evaluation of water usage in data centers and recommendations for reductions in such water usage; and

“(5) updated projections and recommendations for best practices through fiscal year 2020.

“(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in Federal data centers. Each Federal agency shall consider having the data centers of the agency evaluated every 4 years, in accordance with section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253), by energy practitioners certified pursuant to such program.

“(g) OPEN DATA INITIATIVE.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making such data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation. In establishing the initiative, the Secretary shall consider the use of the online Data Center Maturity Model.

“(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy and water efficiency.

“(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with key stakeholders, shall facilitate the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

“(j) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Massachusetts (Mr. KENNEDY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

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Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I thank Representative ESHOO of California, a member of the Energy and Commerce Committee, for her work on this bill.

This legislation would require Federal agencies to coordinate with the Office of Management and Budget, the Department of Energy, and the Environmental Protection Agency to develop an implementation strategy, including best practices and measurement and verification techniques for the maintenance, purchase, and use of energy-efficient and energy-saving information technologies. OMB would be required to track and report on each agency's progress.

In 2013, the U.S. data centers consumed an estimated 91 billion kilowatt-hours of electricity, enough electricity to power all of the households in New York City twice over; and, I might say, they are on track to reach 140 billion kilowatt-hours by 2020. This amounts to roughly 2 percent of all the electricity used in the U.S. each year. Federal data centers are responsible for at least 10 percent of all U.S. data center energy use.

Consequently, this bill seeks to improve the energy efficiency of Federal data centers by, in part, requiring the Department of Energy to update a 2007 report on data center energy efficiency and maintain a data center energy practitioner certification program. DOE also would establish an open data initiative to help share best practices and support further innovation and develop a metric that measures data center energy efficiency.

So this is a very important bill that focuses on efficiency in these Federal data centers, and I would urge all of the Members to support this legislation.

I reserve the balance of my time.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1268, the Energy Efficient Government Technology Act, sponsored by two Energy and Commerce Committee members, the gentlewoman from California (Ms. ESHOO) and the gentleman from Illinois (Mr. KINZINGER).

H.R. 1268 promotes the use of energy-efficient and energy-saving information technologies and practices across the Federal Government, especially in data centers.

The bill amends the Energy Independence and Security Act of 2007, the EISA Act, to require Federal agencies to coordinate with OMB, DOE, and EPA in developing an implementation strategy for maintenance, purchase, and use of energy-efficient and energy-saving information technologies.

The legislation highlights specific items that should be considered in the strategy and sets performance goals to evaluate agencies' efforts. It would also amend EISA to require DOE and EPA to collaborate with stakeholders as they implement the data center efficiency program and other measures to improve data center efficiency.

This legislation was reported with unanimous consent last month by the Energy and Commerce Committee, and the provisions of H.R. 1268 previously passed committee in 2015 as part of H.R. 8.

I commend Ms. ESHOO and Mr. KINZINGER. This is good, bipartisan efficiency legislation that deserves all of our support.

I urge my colleagues to support its passage.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I have no further speakers.

I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I'm pleased to rise today in support of my legislation, the Energy Efficient Government Technology Act. I thank Chairman UPTON, Ranking Member PALLONE, and my legislative partner Congressman ADAM KINZINGER for their strong support of this bill.

This bill is all about bringing our federal government's IT and data centers into the 21st century. The federal government is the nation's largest landowner, employer, and energy user and should lead by example in this field. By requiring federal agencies to utilize the best technologies and energy management strategies, this legislation will reduce the federal government's energy use, save taxpayer dollars, and set the standard for the private sector.

Today, the world generates more data in twelve hours than was generated in all of human history prior to 2003. This data must be stored and processed at data centers which are the backbone of the 21st century economy but can be highly energy inefficient. While we now routinely hear about data centers, this was not the case when I began examining this issue over a decade ago. In those days I had to explain to my colleagues what a data center was. Today, most people understand that data centers are a critical part of our national infrastructure and are found in nearly every sector of our economy. According to the GSA, the federal government alone has

more than 2,000 data centers which store everything from Social Security and tax records to e-books at the Library of Congress.

Data centers are critical to our economy and our lives, but they can be extremely inefficient when it comes to energy use. Experts estimate that most data centers could slash their energy use by up to 80 or 90 percent by simply implementing existing technologies and best practices. Several Silicon Valley companies have taken the lead in developing efficient, sustainable data centers, but we can do much more across both the private sector and government.

H.R. 1268 will drive energy efficiency improvements across the government's IT and data centers by requiring federal agencies to:

1. Utilize the best technologies and energy management strategies;
2. Formulate specific goals and periodically evaluate their energy efficiency; and
3. Make data center energy usage statistics public in a way that empowers further innovation.

Importantly, the bill requires government agencies to formulate specific performance goals and a means to calculate overall cost savings. The Department of Energy estimates that implementation of best practices alone could reduce the government's data center energy bill by 20 to 40 percent. And the Center for Climate and Energy Solutions found that widespread adoption of energy efficient information technologies could save the federal government over \$5 billion in energy costs through 2020.

In 2005, I authored language in the Energy Policy Act which mandated an EPA study on the energy use and energy costs of data centers. This report was transmitted to Congress in 2007 and served as a driver of both private and public investment in energy efficiency. Based on widespread agreement across government, industry and academia, the bill before us today requires an update to this important report. H.R. 1268 also creates a new "Open Data" initiative to make federal data center energy usage statistics publicly available in a way that empowers further innovation.

The Energy Efficient Government Technology Act passed the House last Congress with 375 votes. It passed the House again in this Congress as part of H.R. 8, and it is included in the Senate's comprehensive energy bill which is currently being debated. This non-controversial, bipartisan bill has strong support from both industry and energy efficiency advocates, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 1268, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FEDERAL POWER ACT AMENDMENT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4427) to amend section 203 of the Federal Power Act, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 4427

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHORIZATION.

Section 203(a)(1)(B) of the Federal Power Act (16 U.S.C. 824b(a)(1)(B)) is amended by striking "such facilities or any part thereof" and inserting "such facilities, or any part thereof, of a value in excess of \$10,000,000".

#### SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended by adding at the end the following new paragraph:

"(7)(A) Not later than 180 days after the date of enactment of this paragraph, the Commission shall promulgate a rule requiring any public utility that is seeking to merge or consolidate, directly or indirectly, its facilities subject to the jurisdiction of the Commission, or any part thereof, with those of any other person, to notify the Commission of such transaction not later than 30 days after the date on which the transaction is consummated if—

"(i) such facilities, or any part thereof, are of a value in excess of \$1,000,000; and

"(ii) such public utility is not required to secure an order of the Commission under paragraph (1)(B).

"(B) In establishing any notification requirement under subparagraph (A), the Commission shall, to the maximum extent practicable, minimize the paperwork burden resulting from the collection of information."

#### SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall take effect 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Massachusetts (Mr. KENNEDY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Section 203 of the Federal Power Act establishes requirements for the sale, disposition, merger, purchase, and acquisition of certain utility assets and facilities. In the Energy Policy Act of 2005, Congress amended section 203 by dividing the section into separate statutory subsections, adding a new subsection granting FERC jurisdiction to review sales of certain generating facilities and increasing the minimum monetary threshold from \$50,000 to \$10 million for three of the four statutory subsections. This monetary threshold serves as a floor to ensure that public utilities would only be required to file and FERC to review proposed trans-

actions of a minimal material significance.

As amended by Congress in 2005, the subsection in section 203 of the Federal Power Act that pertains to mergers and consolidations of FERC jurisdictional facilities did not include an express minimum monetary threshold of \$10 million or any other amount. FERC has since interpreted this statutory change as eliminating the de minimis exceptions for mergers and consolidations. As a result, mergers and consolidations of any amount, no matter how small, require FERC approval.

This legislation, H.R. 4427, which was introduced by Mr. POMPEO of Kansas, remedies this discrepancy by amending section 203 to expressly include a minimum monetary threshold of \$10 million for mergers and consolidations of FERC jurisdictional facilities, thereby mirroring the existing \$10 million monetary threshold set forth in the other three subsections of section 203.

As explained by the general counsel of FERC, "adding a \$10 million de minimis threshold to the 'merge and consolidate clause' . . . could ease the administrative burden on the Commission staff and the regulatory burden on industry without a significant negative effect on the Commission's regulatory responsibilities."

Therefore, Mr. Speaker, I urge all Members to pass this legislation introduced by the gentleman from Kansas (Mr. POMPEO).

I reserve the balance of my time.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4427, legislation by the gentleman from Kansas (Mr. POMPEO), which would add a \$10 million threshold to trigger FERC review of a merger or consolidation under section 203 of the Federal Power Act.

This is a significant change to current law as established by the Energy Policy Act of 2005 that essentially did away with the Public Utilities Holding Company Act, PUHCA, as it had existed for 70 years, in order to reduce the burden on industry.

But it also fundamentally altered and strengthened section 203 of the Federal Power Act to protect against potential market abuses that might arise without the protections of PUHCA. With that reasonable compromise authored by then-Chairmen BARTON and Domenici, it earned the bipartisan support of Ranking Members Dingell and Bingaman.

Testimony we heard at a recent Energy and Power Subcommittee hearing highlighted that, last year, roughly 20 percent of section 203 applications fell beneath the \$10 million threshold. That is a significant number of applications.

Furthermore, in multiple conversations with FERC general counsel and others, it became clear that, if the bill were to be enacted in its original form, FERC would have no way to know if attempts were being made to evade the review threshold by structuring major