

Suspend the Rules and Pass the Bill, H.R. 1268, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2ND SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Ms. ESHOO (for herself, Mr. KINZINGER of Illinois, Mr. WELCH, Mr. MCKINLEY, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, 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 “Energy Efficient Gov-
5 ernment Technology Act”.

1 **SEC. 2. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**
2 **MATION TECHNOLOGIES.**

3 (a) AMENDMENT.—Subtitle C of title V of the En-
4 ergy Independence and Security Act of 2007 (Public Law
5 110–140; 121 Stat. 1661) is amended by adding at the
6 end the following:

7 **“SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**
8 **MATION TECHNOLOGIES.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) DIRECTOR.—The term ‘Director’ means
11 the Director of the Office of Management and Budg-
12 et.

13 “(2) INFORMATION TECHNOLOGY.—The term
14 ‘information technology’ has the meaning given that
15 term in section 11101 of title 40, United States
16 Code.

17 “(b) DEVELOPMENT OF IMPLEMENTATION STRAT-
18 EGY.—Not later than 1 year after the date of enactment
19 of this section, each Federal agency shall coordinate with
20 the Director, the Secretary, and the Administrator of the
21 Environmental Protection Agency to develop an implemen-
22 tation strategy (that includes best practices and measure-
23 ment and verification techniques) for the maintenance,
24 purchase, and use by the Federal agency of energy-effi-
25 cient and energy-saving information technologies, taking

1 into consideration the performance goals established under
2 subsection (d).

3 “(c) ADMINISTRATION.—In developing an implemen-
4 tation strategy under subsection (b), each Federal agency
5 shall consider—

6 “(1) advanced metering infrastructure;

7 “(2) energy-efficient data center strategies and
8 methods of increasing asset and infrastructure utili-
9 zation;

10 “(3) advanced power management tools;

11 “(4) building information modeling, including
12 building energy management;

13 “(5) secure telework and travel substitution
14 tools; and

15 “(6) mechanisms to ensure that the agency re-
16 alizes the energy cost savings brought about through
17 increased efficiency and utilization.

18 “(d) PERFORMANCE GOALS.—

19 “(1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this section, the Di-
21 rector, in consultation with the Secretary, shall es-
22 tablish performance goals for evaluating the efforts
23 of Federal agencies in improving the maintenance,
24 purchase, and use of energy-efficient and energy-sav-
25 ing information technology.

1 “(2) BEST PRACTICES.—The Chief Information
2 Officers Council established under section 3603 of
3 title 44, United States Code, shall recommend best
4 practices for the attainment of the performance
5 goals, which shall include Federal agency consider-
6 ation of, to the extent applicable by law, the use
7 of—

8 “(A) energy savings performance con-
9 tracting; and

10 “(B) utility energy services contracting.

11 “(e) REPORTS.—

12 “(1) AGENCY REPORTS.—Each Federal agency
13 shall include in the report of the agency under sec-
14 tion 527 a description of the efforts and results of
15 the agency under this section.

16 “(2) OMB GOVERNMENT EFFICIENCY REPORTS
17 AND SCORECARDS.—Effective beginning not later
18 than October 1, 2017, the Director shall include in
19 the annual report and scorecard of the Director re-
20 quired under section 528 a description of the efforts
21 and results of Federal agencies under this section.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents for the Energy Independence and Security Act of
24 2007 is amended by adding after the item relating to sec-
25 tion 529 the following:

 “Sec. 530. Energy-efficient and energy-saving information technologies.”.

1 **SEC. 3. ENERGY EFFICIENT DATA CENTERS.**

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

4 (1) in subsection (b)(2)(D)(iv), by striking “de-
5 termined by the organization” and inserting “pro-
6 posed by the stakeholders”;

7 (2) by striking subsection (b)(3); and

8 (3) by striking subsections (c) through (g) and
9 inserting the following:

10 “(c) **STAKEHOLDER INVOLVEMENT.**—The Secretary
11 and the Administrator shall carry out subsection (b) in
12 collaboration with the information technology industry and
13 other key stakeholders, with the goal of producing results
14 that accurately reflect the most relevant and useful infor-
15 mation available. In such collaboration, the Secretary and
16 the Administrator shall pay particular attention to organi-
17 zations that—

18 “(1) have members with expertise in energy ef-
19 ficiency and in the development, operation, and
20 functionality of data centers, information technology
21 equipment, and software, such as representatives of
22 hardware manufacturers, data center operators, and
23 facility managers;

24 “(2) obtain and address input from Department
25 of Energy National Laboratories or any college, uni-
26 versity, research institution, industry association,

1 company, or public interest group with applicable ex-
2 pertise;

3 “(3) follow—

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

6 “(B) accredited standards development
7 processes; and

8 “(4) have a mission to promote energy effi-
9 ciency for data centers and information technology.

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

18 “(e) STUDY.—The Secretary, in collaboration with
19 the Administrator, shall, not later than 18 months after
20 the date of enactment of the Energy Efficient Government
21 Technology Act, make available to the public an update
22 to the Report to Congress on Server and Data Center En-
23 ergy Efficiency published on August 2, 2007, under sec-
24 tion 1 of Public Law 109–431 (120 Stat. 2920), that pro-
25 vides—

1 “(1) a comparison and gap analysis of the esti-
2 mates and projections contained in the original re-
3 port with new data regarding the period from 2008
4 through 2015;

5 “(2) an analysis considering the impact of in-
6 formation technologies, including virtualization and
7 cloud computing, in the public and private sectors;

8 “(3) an evaluation of the impact of the com-
9 bination of cloud platforms, mobile devices, social
10 media, and big data on data center energy usage;

11 “(4) an evaluation of water usage in data cen-
12 ters and recommendations for reductions in such
13 water usage; and

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

16 “(f) DATA CENTER ENERGY PRACTITIONER PRO-
17 GRAM.—The Secretary, in collaboration with key stake-
18 holders and the Director of the Office of Management and
19 Budget, shall maintain a data center energy practitioner
20 program that leads to the certification of energy practi-
21 tioners qualified to evaluate the energy usage and effi-
22 ciency opportunities in Federal data centers. Each Federal
23 agency shall consider having the data centers of the agen-
24 cy evaluated every 4 years, in accordance with section
25 543(f) of the National Energy Conservation Policy Act (42

1 U.S.C. 8253), by energy practitioners certified pursuant
2 to such program.

3 “(g) OPEN DATA INITIATIVE.—The Secretary, in col-
4 laboration with key stakeholders and the Director of the
5 Office of Management and Budget, shall establish an open
6 data initiative for Federal data center energy usage data,
7 with the purpose of making such data available and acces-
8 sible in a manner that encourages further data center in-
9 novation, optimization, and consolidation. In establishing
10 the initiative, the Secretary shall consider the use of the
11 online Data Center Maturity Model.

12 “(h) INTERNATIONAL SPECIFICATIONS AND
13 METRICS.—The Secretary, in collaboration with key
14 stakeholders, shall actively participate in efforts to har-
15 monize global specifications and metrics for data center
16 energy and water efficiency.

17 “(i) DATA CENTER UTILIZATION METRIC.—The Sec-
18 retary, in collaboration with key stakeholders, shall facili-
19 tate the development of an efficiency metric that measures
20 the energy efficiency of a data center (including equipment
21 and facilities).

22 “(j) PROTECTION OF PROPRIETARY INFORMATION.—
23 The Secretary and the Administrator shall not disclose
24 any proprietary information or trade secrets provided by
25 any individual or company for the purposes of carrying

- 1 out this section or the programs and initiatives established
- 2 under this section.”.