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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To direct the Secretary of Energy to report to Congress on the use of electric energy and water by certain data centers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROY introduced the following bill; which was referred to the Committee
on _____

A BILL

To direct the Secretary of Energy to report to Congress on the use of electric energy and water by certain data centers, 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 “Public Oversight of
5 Water and Energy Reporting Act” or the “POWER Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that the construction and operation
8 of data centers should not come at the sacrifice of our

1 nation's water resources or valuable farm and ranchland,
2 and the Federal Government should make sure it is not
3 subsidizing data centers that would not be viable other-
4 wise.

5 **SEC. 3. REPORTS ON USE OF ELECTRIC ENERGY AND**
6 **WATER BY CERTAIN DATA CENTERS.**

7 Not later than the date that is 2 years after the date
8 of enactment of this Act, and annually thereafter, the Sec-
9 retary of Energy shall, in consultation with the Adminis-
10 trator of the Environmental Protection Agency, submit to
11 Congress a report on the use of electric energy and water
12 by covered data centers during the applicable report pe-
13 riod, which shall include information on—

14 (1) the amount of water used by each covered
15 data center that is provided by a public water sys-
16 tem during the applicable report period, including—

17 (A) for a covered data center that recycles
18 and reuses the water provided by a public water
19 system, the amount of water so provided during
20 the applicable report period; and

21 (B) for a covered data center that is con-
22 tinuously provided water by a public water sys-
23 tem, the average amount of water so provided
24 each day during the applicable report period;

1 (2) the number of covered data centers with re-
2 spect to which the covered data center generates all
3 of the electric energy used by that covered data cen-
4 ter;

5 (3) the number of covered data centers that are
6 electric consumers; and

7 (4) the costs associated with the connection of
8 any covered data center to the bulk-power system
9 during the applicable report period and who paid
10 such costs.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

13 (1) **BULK-POWER SYSTEM.**—The term “bulk-
14 power system” has the meaning given such term in
15 section 215(a) of the Federal Power Act (16 U.S.C.
16 824o(a)).

17 (2) **COVERED DATA CENTER.**—The term “cov-
18 ered data center”—

19 (A) means any qualifying project under
20 Executive Order 14318 (90 Fed. Reg. 35385;
21 relating to accelerating Federal permitting of
22 data center infrastructure); and

23 (B) does not include any such qualifying
24 project that is owned, operated, or maintained
25 by a covered agency (as such term is defined in

1 section 834(a)(2) of the Carl Levin and How-
2 ard P. ‘Buck’ McKeon National Defense Au-
3 thorization Act for Fiscal Year 2015 (44 U.S.C.
4 3601 note(a)(2))).

5 (3) ELECTRIC CONSUMER.—The term “electric
6 consumer” has the meaning given such term in sec-
7 tion 3 of the Public Utility Regulatory Policies Act
8 of 1978 (16 U.S.C. 2602).

9 (4) PUBLIC WATER SYSTEM.—The term “public
10 water system” has the meaning given such term in
11 section 1401(4)(A) of the Safe Drinking Water Act
12 (42 U.S.C. 300f(4)(A)).

13 (5) REPORT PERIOD.—The term “report pe-
14 riod” means—

15 (A) for an initial report submitted under
16 section 3, the period of time beginning on the
17 date of enactment of this Act and ending on the
18 date (prior to submission of the initial report)
19 that the Secretary of Energy determines to be
20 appropriate; and

21 (B) for any subsequent report submitted
22 under section 3, a 365-day period ending on the
23 date that the Secretary of Energy determines to
24 be appropriate.