

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

merger consolidation activity as a series of below-threshold consolidations. FERC has already told us that it has the tools to deal with efforts to evade review through such schemes if it finds out that they are occurring.

However, the clear problem was, which FERC acknowledged, that the bill, as introduced, would leave the Commission with no standardized way to acquire information to even know that these below-threshold transactions were actually occurring. I think we can all agree that FERC should not have to rely on trade publications or word of mouth to know that merger consolidation activity is occurring involving regulated entities.

The easiest way to address this problem is by requiring regulated entities engaging in merger or consolidation activity to simply have to notify FERC that a transaction is occurring, and that is exactly what the committee did when it adopted by voice vote an amendment by Subcommittee Ranking Member BOBBY RUSH.

The bill, as reported by the Energy and Commerce Committee, requires FERC to begin a rulemaking process to develop a short, simple notification process for transactions between \$1 million and \$10 million. The bill also includes statutory direction to FERC to minimize the notification burden on industry to the maximum extent possible.

What we envisioned is a standard form of a page or less, able to be completed online, that simply informs FERC that a transaction is occurring or has recently occurred, who is involved, what the appropriate amount of that transaction is, and a brief description of the transaction. The bill we are considering now also adds language requested by industry, supported by both the chairman and ranking member of the committee, which provides further certainty by setting a reporting deadline of not later than 30 days from the consummation of a reportable transaction.

I commend the gentleman from Illinois and the gentleman from Kansas, along with Chairman UPTON, Chairman WHITFIELD, and Ranking Member PALLONE, for coming together and addressing this issue. It is a sensible piece of legislation that reduces the burden not only on industry, Mr. Speaker, but also on the government, while ensuring the public good is protected.

I urge passage of the legislation.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, as the gentleman from Massachusetts made reference, this bill will reduce regulatory burdens, bring important parity to the statute, while also protecting ratepayers by providing important notice requirements. I would urge its passage.

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. 4427, 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.

#### REINSTATING AND EXTENDING DEADLINE FOR CONSTRUCTION OF HYDROELECTRIC PROJECT INVOLVING CLARK CANYON DAM

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2080) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Clark Canyon Dam.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2080

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

#### SECTION 1. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CLARK CANYON DAM.

Notwithstanding the time period described in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12429, the Federal Energy Regulatory Commission (referred to in this section as the "Commission") shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence construction of project works for the 3-year period beginning on 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 have 5 legislative days to revise and extend their remarks and to insert extraneous material 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 5 minutes to the gentleman from Montana (Mr. ZINKE), who is the author of this legislation.

□ 1530

Mr. ZINKE. Mr. Speaker, I rise today in firm support of H.R. 2080, which reinstates and extends the deadline for construction of the Clark Canyon Dam hydroelectric project.

The dam is located outside of Dillon, Montana, and will provide critical electricity to both Montana and Idaho. That is why I am proud to have the entire Idaho delegation with me and the entirety of the Montana delegation in support of this bill.

The issue is the red tape. Despite the importance of the project, the red tape with the U.S. Fish and Wildlife Service has created an impassable deadlock in it that won't allow for construction of it. Even though we all recognize that hydroelectric power is clean and it is appropriate and the project is enormously important to Montana and Idaho, the bureaucratic red tape has just prevented it from going forward.

This is why we are here. Congress must act, and Congress will act. I am sure my colleagues on the other side of the aisle will agree that this is a worthy project for Congress to use our authority and to introduce the legislation to authorize such projects and independently move ahead.

This is why I urge all my colleagues to support H.R. 2080.

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

Mr. Speaker, I rise in support of H.R. 2080, a bill sponsored and led by the gentleman from Montana (Mr. ZINKE) to reinstate and extend the deadline for commencement of construction on the hydroelectric project involving Clark Canyon Dam.

Mr. Speaker, on August 26, 2009, FERC licensed the Clark Canyon Dam project at the Bureau of Reclamation's Clark Canyon Dam on the Beaverhead River in Beaverhead County, Montana.

Section 13 of the Federal Power Act requires licensees to commence construction of the hydroelectric project within a time fixed by the license, no more than 2 years from its being issued. It also authorizes FERC to issue one extension of that deadline for no more than 2 years.

In March of 2015, FERC terminated the license for the Clark Canyon Dam hydroelectric project after the licensee did not commence construction by the already extended deadline of August 2013.

The bill authorizes FERC to reinstate the terminated license for the Clark Canyon Dam hydroelectric project to extend for 6 years the date by which the licensee is required to commence construction. FERC has no objections to this legislation, and the Committee on Energy and Commerce reported the bill by voice vote without dissent.

I hope my colleagues will support passage of H.R. 2080. I commend the gentleman from Montana for all his work in bringing this to the floor.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, this is an important piece of legislation to give additional time for the development of Clark Canyon Dam, for which a license has been issued in the past. I urge 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. 2080.

The question was taken; and (two-thirds being in the affirmative) the