

per year with \$1 million net worth, excluding their home. We get this out there. This is not a solicitation or offering a security.

So what I am, quite honestly, concerned about and maybe a little confused about is the point of the HALOS Act trying to fix a problem. It is trying to fix a problem.

Remember, we want to expose entrepreneurs and their ideas to the broadest pool of potential investors that includes angel investment community, again, of accredited investors. This requirement raises serious compliance concerns for angel investors. It would require entrepreneurs and startups to perform a compliance function that they may not have the physical or financial means to do so. Again, it is just an additional burden and barrier to entry for entrepreneurs.

Again, these are—the entrepreneurs typically aren't the ones that have \$300,000 of annual income or \$1 million net worth because, frankly, then they wouldn't have to be at the pitch. They could fund it themselves.

The idea is to make sure that those ideas, those people who are looking for an opportunity are given the broadest opportunity possible. And I think what we are seeing here is a reaction to the notion that, you know what? Maybe people can handle this on their own instead of the government needing to step in and be so overly prescriptive and control every decision that they are making.

You are seeing a reaction on the other side to that, to that notion of freedom, that idea of an entrepreneurial spirit; this idea that we all need to be wrapped in bubble wrap as we go out into the world. That is not government's role or job.

Outside of those prescriptions that are already in place, again, we are talking about a narrow group of investors with \$300,000 of net income annually, and \$1 million net worth who would even qualify to invest in those.

Why we would wall this off from others seeking to learn and to see an opportunity, I just simply don't understand.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chair, just in closing, let me say that, again, this amendment will bring some balance to the legislature and ensure that the bill is targeted to provide relief to our Nation's startup and small businesses, and I urge its adoption.

Mr. Chair, I yield back the balance of my time.

Mr. HUIZENGA. Mr. Chairman, in closing, I cannot support an amendment that makes it more difficult for startups to receive the crucial funding that they need to grow and create new jobs. Again, these are people pursuing their dreams, their hopes. They need capital and credit. They need cash and credit to go fulfill those.

Mr. Chairman, I actually believe in the SEC. I believe that the rules that

they operate under are sufficient. I believe in the JOBS Act. I believe in the HALO Act that will provide the proper protections to investors, again, qualified investors with a \$300,000 income and a \$1 million net worth.

There are proper protections in place. This amendment does nothing but add additional burden to those seeking the investment and those seeking to invest. I request opposition from my colleagues.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

□ 1515

Mr. HUIZENGA. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OLSON) having assumed the chair, Mr. BOST, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 79) to clarify the definition of general solicitation under Federal securities law, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### ENERGY EFFICIENT GOVERNMENT TECHNOLOGY ACT

Mr. OLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 306) to amend the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 306

*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) IN GENERAL.—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 includes 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)—

(A) in paragraph (2)(D)(iv), by striking "determined by the organization" and inserting "proposed by the stakeholders"; and

(B) by striking paragraph (3); and

(2) 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 information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the most relevant and useful information. 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, by energy practitioners certified pursuant to such program.

“(g) **OPEN DATA INITIATIVE.**—The Secretary, in collaboration with key stakeholders and 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 in 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** (Mr. BOST). Pursuant to the rule, the gentleman from Texas (Mr. OLSON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the Federal Government is a major consumer of electricity, and its information technologies account for a large and growing percentage of that major use. That is why we need H.R. 306, the Energy Efficient Government Technology Act, introduced by my good friend from California (Ms. ESHOO).

This bill creates a process by which Federal agencies can incorporate the latest efficiency improvements in their information technologies, including data centers. It also sets out yardsticks to measure progress.

The result of this bill would be lower Federal energy bills and taxpayer savings. In addition, the Federal Government can set an example for energy efficiency that the private sector IT systems would be able to copy.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I am really pleased to rise today in support of this legislation, the Energy Efficient Government Technology Act.

I want to thank my colleague and friend, Mr. OLSON, for his wonderful description of the bill and his important support of it. I want to thank the new

chairman of the full committee, Mr. WALDEN, and the ranking member of the full committee, Mr. FALLONE, for their support, and my legislative partner, ADAM KINZINGER, for his partnership on this bill.

I hope that this, the 115th Congress, is going to be the magic charm. I have introduced this bill now in three Congresses, and it passed in each Congress, but it didn't make it to the President's desk. I hope this time it will.

The bill is really a very simple one. It is about bringing the Federal Government's IT and data centers into the 21st century. The Federal Government is the Nation's largest energy user. I want to say that again. The Federal Government is our Nation's largest energy user, and we should lead by example in this area.

By requiring Federal agencies to utilize the best technologies and energy management strategies, this bill will reduce the government's energy use. Very importantly, it is going to save taxpayer dollars, and it is going to also set an example for the private sector.

Today, the world generates more data in 12 hours than was generated in all of human history prior to 2003.

I can tell by the look on your face, Mr. Speaker, that that takes your breath away.

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.

In 2005, I offered language in the Energy Policy Act which mandated an EPA study on the energy use and energy costs of data centers. This report was then transmitted to Congress in 2007, and today most Americans 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.

Several Silicon Valley companies have taken the lead in developing efficient, sustainable data centers, but we can do much, much more across the private sector and the government.

The Department of Energy estimates that the 70 billion kilowatt hours of electricity that are used by U.S. data centers annually could be slashed in half simply through implementation of best practices and existing technologies.

This bill, H.R. 306, will drive energy efficiency improvements across the government's IT and data centers by requiring Federal agencies to, number one, utilize the best technologies and energy management strategies; two, formulate specific goals and periodically review their energy efficiency—it

is very important to track the efficiencies—and, three, make government center data 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 from implementation.

Mr. Speaker, as I said, I first introduced the legislation in 2013. It has passed the House by wide margins in each of the last two Congresses. It is noncontroversial. It is bipartisan. It makes sense. I want to urge all of my colleagues to support the bill.

I thank my colleagues on a bipartisan basis at the Energy and Commerce Committee, and I reserve the balance of my time.

Mr. OLSON. Mr. Speaker, I join my colleague in trying to spice things up, so I reserve the balance of my allotted time.

Ms. ESHOO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY), my valued colleague on the committee.

Mr. MCNERNEY. Mr. Speaker, I rise to support H.R. 306, the Energy Efficient Government Technology Act, sponsored by the committee. It is also bipartisan, as my colleague from California mentioned, sponsored by Ms. ESHOO and Mr. KINZINGER of Illinois.

H.R. 306 promotes the use of energy efficiency and energy savings information technologies and practices across the Federal Government, especially in data centers.

The bill amends the Energy Independence Act of 2007 to require Federal agencies to coordinate with the OMB, DOE, and EPA in developing an implementation strategy for the maintenance, purchase, and use of energy efficiency and energy savings information technology.

Ten percent of Federal electricity is consumed by Federal energy centers. H.R. 306 aims to keep that at 10 percent or even to reduce it.

The legislation also sets out specific items for consideration in developing an implementation strategy that requires the establishment of performance goals for evaluating agencies' efforts. In addition, the bill would amend the 2007 act to require the DOE and EPA to collaborate with stakeholders in the implementation of data centers, efficiency programs, and other measures to improve data center energy efficiency.

Again, the legislation was passed by the House without dissent last year as stand-alone legislation. I urge my colleagues to support it.

I commend my colleagues Ms. ESHOO and Mr. KINZINGER.

Ms. ESHOO. Mr. Speaker, I yield back the balance of my time.

Mr. OLSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have been a naval aviator, a Senate staffer, and a Member of Congress. In those 20 years, the best

leaders I have seen are ones who lead by example. H.R. 306 makes sure D.C. leads by example. If we lead, the whole country will follow.

I urge my colleagues to vote "aye" on H.R. 306.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. OLSON) that the House suspend the rules and pass the bill, H.R. 306.

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.

#### SMALL BUSINESS BROADBAND DEPLOYMENT ACT

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 288) to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 288

*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 "Small Business Broadband Deployment Act".

#### SEC. 2. EXCEPTION TO ENHANCEMENT TO TRANSPARENCY REQUIREMENTS FOR SMALL BUSINESSES.

(a) IN GENERAL.—The enhancements to the transparency rule of the Federal Communications Commission under section 8.3 of title 47, Code of Federal Regulations, as described in paragraphs 162 through 184 of the Report and Order on Remand, Declaratory Ruling, and Order of the Federal Communications Commission with regard to protecting and promoting the open Internet (adopted February 26, 2015) (FCC 15-24), shall not apply to any small business.

(b) SUNSET.—Subsection (a) shall not have any force or effect after the date that is 5 years after the date of the enactment of this Act.

(c) REPORT BY FCC.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains the recommendations of the Commission (and data supporting such recommendations) regarding—

(1) whether the exception provided by subsection (a) should be made permanent; and

(2) whether the definition of the term "small business" for purposes of such exception should be modified from the definition in subsection (d)(2).

(d) DEFINITIONS.—In this section:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term "broadband Internet access service" has the meaning given such term in section 8.2 of title 47, Code of Federal Regulations.

(2) SMALL BUSINESS.—The term "small business" means any provider of broadband

Internet access service that has not more than 250,000 subscribers.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from California (Mr. MCNERNEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee.

#### GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

□ 1530

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

Mr. Speaker, I rise today in support of H.R. 288, the Small Business Broadband Deployment Act. I am glad that the House is taking swift action on this bill, which would protect small Internet service providers from the enhanced disclosure requirements laid out in the 2015 Open Internet Order.

After adopting the Open Internet Order, the FCC recognized the importance of exempting small ISPs from these enhanced transparency rules and subsequently granted a temporary exemption to broadband providers with fewer than 100,000 subscribers. However, the Commission failed to reach an agreement to grant another exemption before the deadline last December and, as a result, has left hundreds of our Nation's small providers vulnerable to cumbersome rules.

FCC Commissioners Pai and O'Rielly have taken action, since the exemption expired, to reassure our small broadband providers that the rules will not be enforced until the situation has been addressed by the Commission, but Congress should go a step further and provide certainty to our Nation's small businesses and pass this bill.

Rather than a 1-year exemption to the enhanced disclosure requirements, this bill would exempt for 5 years broadband providers with fewer than 250,000 subscribers from the enhanced reporting obligations, providing them with the regulatory certainty to invest in their business.

At our hearing last January, we heard from multiple witnesses just how cumbersome and burdensome these rules are. One witness described the difference to be as significant as the need to hire regulatory counsel versus the ability to build another tower to provide service. For a small business in a capital-intensive industry, that could be the difference between getting more people connected to the Internet and going out of business.

We cannot let our small businesses and hardworking taxpayers be saddled