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MARKUP OF:

H.R. 3477, CEILING FAN ENERGY CONSERVATION HARMONIZATION ACT; H.R. 1876, GOOD SAMARITAN HEALTH PROFESSIONALS ACT OF 2017; AND H.R. 4986, FCC REAUTHORIZATION ACT OF 2018

WEDNESDAY, FEBRUARY 14, 2018

House of Representatives,  
Committee on Energy and Commerce,  
Washington, D.C.

The committee met, pursuant to call, at 3:42 p.m., in Room 2123, Rayburn House Office Building, Hon. Greg Walden [chairman of the committee] presiding.

Present: Representatives Walden, Barton, Upton, Shimkus, Burgess, Blackburn, Latta, Harper, Lance, Guthrie, Olson, McKinley, Kinzinger, Griffith, Bilirakis, Johnson, Bucshon, Flores, Mullin, Hudson, Collins, Walberg, Walters, Costello, Carter, Pallone, Eshoo, Green, DeGette, Doyle, Matsui, Castor, McNerney, Welch, Lujan, Tonko, Loeb sack, Schrader, Kennedy, Ruiz, Peter, and Dingell.

Staff Present: Jon Adame, Policy Coordinator, Communications and Technology; Mike Bloomquist, Deputy Staff Director; Adam Buckalew, Professional Staff Member, Health; Allie Bury, Legislative Clerk, Energy and Environment; Karen Christian, General Counsel; Kelly Collins, Legislative Clerk, Energy and Environment; Robin Colwell, Chief Counsel, Communications and Technology; Zachary Dareshori, Legislative Clerk, Health; Paul Edattel, Chief Counsel, Health; Sean Farrell, Professional Staff Member, Communications and Technology; Margaret Tucker Fogarty, Staff Assistant; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, Oversight and Investigations, Digital Commerce and Consumer Protection; Elena Hernandez, Press Secretary; Anne Thomas Johnston, Senior Policy Advisor, Energy; Peter Kielty, Deputy General Counsel; Tim Kurth, Senior Professional Staff, Communications and Technology; Ben Lieberman, Senior Counsel, Energy; Mary Martin, Chief Counsel, Energy and Environment; Lauren McCarty, Counsel, Communications and Technology; Brandon Mooney, Deputy Chief Counsel, Energy; Dan Schneider, Press Secretary; Kristen Shatynski, Professional Staff Member, Health; Jennifer Sherman, Press Secretary; Austin Stonebraker, Press Assistant; Madeline Vey, Policy Coordinator, Digital Commerce and Consumer Protection; Evan Viau, Legislative Clerk, Communications and Technology; Hamlin Wade, Special Advisor, External Affairs; Priscilla Barbour, Minority Energy Fellow; Elizabeth Ertel, Minority Office Manager; David Goldman, Minority Chief Counsel, Communications and Technology; Tiffany Guarascio, Minority Deputy Staff Director and

Chief Health Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Una Lee, Minority Senior Health Counsel; Jerry Leverich, Minority Counsel; Jourdan Lewis, Minority Staff Assistant; John Marshall, Minority Policy Coordinator; Dan Miller, Minority Policy Analyst; Alexander Ratner, Minority Policy Analyst; Samantha Satchell, Minority Policy Analyst; and Andrew Souvall, Minority Director of Communications, Outreach and Member Services.

The Chairman. We will call the Committee on Energy and Commerce together.

Today, we are here to consider three thoughtful pieces of legislation originating from three of our distinguished subcommittees. Collectively, each of these bills exemplify the hardworking and bipartisan nature of this committee, and I am hopeful that we can advance these solutions today in regular order.

Two of the three bills under consideration are sponsored by our Communications and Technology Subcommittee Chairman, Marsha Blackburn, one of which is a bill to reauthorize Federal Communications Commission. For a quarter of a century, the FCC has gone without being reauthorized. So today, we take a significant step to changing that. This bill will accomplish several important tasks and also comes with a very special name. It is named the Repack Airwaves Yielding Better Access for Users of Modern Services Act, or more specifically, Ray Baum's Act, in the nod to our dear friend, mine of nearly 30 years, the former staff director of this committee who recently passed away peacefully after many years of long battle with cancer. He left us on Friday -- or Thursday, and I guess not everybody knew that, but, yeah. Yeah, he -- yeah, it is a tough deal. He was a good man. A good family man. Great grandpa. I think a mentor for many.

And I have never -- I said something the other night, and I thank those who participated last night one way or another, but I think some people thought he was just another member on the floor from time to time, they just didn't know what his name was. The only thing he lacked

was a voting card. And, you know, there were times I would see him go right up to the leader or the speaker and kind of argue Energy and Commerce's way, and I thought, how do you do that, but he did. And he had a special way about him. And he loved public service.

And so we creatively found a way to name this FCC reauthorization and repack after our dear friend Ray. The memorial service is Saturday in La Grande, and I know that if anybody has notes or something they would like me to take out and convey to Kristine and the family, I am happy to do that. And I know they would be honored to read your thoughts.

Yeah, I yield -- we will just kind of go off course here and --

Ms. Eshoo. Thank you.

I think too, Mr. Chairman, that it would be wonderful if the entire committee did -- placed something in the Congressional Record, the name -- with all of our names on it to Kristine, because she knew firsthand how much he loved his public service, and she went along with that.

The Chairman. Yes, she did.

Ms. Eshoo. She went along with that. And when I came into the room, I was immediately sad. I was immediately sad. And he was -- Ray was a good person.

The Chairman. Yes.

Ms. Eshoo. To his core, he was decent, he had integrity. He had that kind of legislative common sense that when people were hot under the collar, you know, and go to him -- myself included --

The Chairman. Me too.

Ms. Eshoo. -- you know, he would smile. And he didn't use the words, take a deep breath, everything is going to be all right, or, I think you are off track, and everything is still going to be all right. But he made it all right.

And I want to commend you, Mr. Chairman, because you have really been a brother to him.

The Chairman. Yeah.

Ms. Eshoo. I don't know if the committee knows the long history that our chairman and Ray had. Obviously, from Oregon. They both ran and became members of the Oregon State legislature. Ray went on to the PUC, then became its chairman there, and then --

The Chairman. Under a Democrat governor I might add. Democrat governors, two of them.

Ms. Eshoo. Yes, under Democratic it is called.

The Chairman. Democratic governor.

Ms. Eshoo. I know it is hard to say, but --

The Chairman. Oh, now, Anna, it is going to be okay. Come on.

Voice. That was a small D or a big D?

Ms. Eshoo. Big.

Anyway, and Ray came to Washington to serve here as the senior policy person in the committee at Greg's invitation. And it was a big thing for him. He was really -- we had long conversations about how conflicted he was because his family was not here. He was looking for a place. He wasn't sure whether he should be on the Hill. He didn't

know whether his wife wanted to be someplace else.

So, you know, as a reminder that, you know, when we do these jobs and people are standing or sitting behind us, they have lives too and they have considerations and they made sacrifices. But, boy, was he happy here. He was happy here. He took a brief journey someplace else. I know he wasn't going to be so thrilled with that one.

The Chairman. You told him.

Ms. Eshoo. I told him. I told him before he left. And he came back, I saw him standing there, I said, what did I tell you? But he -- you know what, he served all of us with a great deal of respect.

The Chairman. Yes.

Ms. Eshoo. Genuine respect for what the printed word is in these bills and how they were going to walk into people's lives and what it was going to do for the country. So he was a patriot. He was a great husband. He was a fabulous father of six. Grandfather of 10. He served his State, he served his country, and he was our good friend. And it is a life lived very well, but far too short. We are going to miss him. We will always miss him.

So let's -- so we will draw something up and we will put everybody's name on it from the committee. If there is anyone that objects, let me know. I doubt it. Hold your hand up now. Those that aren't here, you are out of luck because your name is going to be on it, Or you are in luck because your name is going to be on it.

So thank you, Greg, and thank you for bringing your friend into our lives. If it weren't for you, we would have never known him.

The Chairman. Well, you know, when I became -- when Fred asked me to be chair of the telecom sub, I called Ray, and he was chairman of the Public Utility Commission. I said, Ray, I am going to need your help on some of these telecom -- oh, yeah, call any time. I said, no, no, no, Ray, I am going to need your help. Oh, well, I can come back from time to time. I said, no, Ray, I am going to need your help here full time. Oh. Oh, no, I don't think Kristine would ever go along with that.

Ms. Eshoo. It was hard.

The Chairman. But their youngest was leaving the nest, and she said, actually I think that is a good idea, and then he was really conflicted. So they moved back and she said it was seven of the best years of their lives, because it was the two of them and reconnecting, you know, after the kids are out of the nest, and how much he loved public service. And for those who don't know, he battled bone cancer, stage IV, for 3 or 4 years.

Ms. Eshoo. And he suffered enormously, and he never complained once. I never heard him complain.

The Chairman. And this kept him vibrant and engaged.

Ms. Eshoo. I never heard him complain. So I think he is living in the sight of almighty God, and we will -- I will never forget him. I don't think anyone here ever will either.

The Chairman. Thank you.

Well, to quote Ray Baum, the fun never stops. Some of you probably heard him say that about a thousand times. So the fun never



stops. Yeah, during the 27-hour markup. Yeah. He went -- we made him go home because he was dealing with all of this stuff, and he was still texting. Yeah. So -- but not driving, no. Watching.

All right. Well, thank you for that.

We had -- I will go back to regular order here, and thanks for the indulgence.

I would note for our colleagues, a couple of things that were in the original FCC reauthorization, both Rural Call Completion and Kari's Law, we no longer have to include because they have been signed into law.

We had 19 of our bills as part of the caps agreement make it down to the President's desk. So all the work that we have done as a committee leading up to that agreement allowed us to move forward and get our work done.

While the last but certainly not least, this will include the repack language that you have heard both myself and Mr. Pallone champion. It is very important. By making sure we properly relocate broadcasters displaced in the incentive auction, we had further legitimacy to future spectrum auctions and other improvements in communications policy.

Years ago when I became chairman of the Telecom Subcommittee, as I mentioned, Ray came back and worked on all of this, and we just really want to see this out. So it is appropriate that we name it after him.

Also authored by Mrs. Blackburn, we will consider H.R. 1876, the Good Samaritan Health Professionals Act. This bill will help improve

the emergency response of trained health professionals by providing some limited liability protections for health practitioners providing care to those in a federally declared disaster area.

We recently, as you know, as a country, faced extremely destructive and deadly hurricane, storms, devastating wildfires, California, Oregon, and elsewhere in the West. Natural disasters and other large-scale emergency requires an all-hands-on-deck effort when rescue crews are overloaded treating victims. And so the willingness of qualified volunteers to offer up their expertise to those in need should not be deterred by the fear of liability actions against them.

So by filling in some gaps in our current liability protections, we can help secure and speed up the process of getting qualified medical personnel on the ground in time to save lives. And I would like to thank Chairman Blackburn for her excellent work and in a bipartisan manner to get this bill to where it is today.

Now, while ceiling fan regulations may not be on the front burner issue for Congress, getting them right is important for the companies that make them and the consumers that use them. As we learned in our November 7 hearing, the Department of Energy decided to tighten the energy efficiency standards for ceiling fan light kit standards in 2019, but did not make changes to the underlying ceiling fans for one more year, in 2020. The result was the two deadlines make compliance difficult, and more so than is necessary for some manufacturers and retailers. So Mr. Hudson's H.R. 3477 would harmonize the two deadlines by setting both as January 21, 2020. This will facilitate

compliance and lead to lower prices on some models of ceiling fans.

Today, we have a great opportunity to make meaningful reforms to our public health efforts and for the healthcare professionals serving our communities, to provide certainty for our manufacturers, and increase transparency and accountability at the Federal Communications Commission.

So with that, I urge my colleagues on both sides of the aisle to join me in supporting these three good and bipartisan pieces of legislation.

With that, I would recognize my friend and colleague from New Jersey, Mr. Pallone, for any opening comments he may have.

[The prepared statement of Chairman Walden follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Pallone. Thank you, Mr. Chairman.

I just want to, basically, agree with all of you. And with regard to Ray, it was so upsetting to me when I found out, you know, what was happening to him in the last few weeks. But I guess when I was -- I heard what Congresswoman Blackburn said about the 27-hour markup, that kind of -- that was kind of the test of, you know, testing us all in terms of our ability to cooperate and be nice to each other. And throughout all of that, Ray was just the best, you know, in terms of wanting to be here and still texting when he left and, you know, trying to make it as pleasant as possible because of his optimistic attitude. So that kind of really showed the true test of the man that evening or that 27 hours, if you will.

I don't want to repeat what you have said about the bills. The bills, obviously, before us are bipartisan. I appreciate the fact that the majority was willing to work with us in putting these together. Let me say briefly a little bit about each of the bills.

With regard to the ceiling fan bill, the legislation's purpose is to align the current 2019 compliance deadline with a separate standard for ceiling fans set for 2020. And new standards for these kits will save money and reduce carbon emissions, so I would have liked to see them replaced sooner, however, the legislation will make it easier for some retailers to comply, and it enjoys broad bipartisan support.

H.R. 1876, the Good Samaritan Act, would limit the civil liability of volunteer health professionals that provide services

during disaster. I am always concerned about preempting State laws, and I do not think Congress should do this lightly, however, I think we can all agree that we need to support our healthcare professionals who are volunteering their services during natural disasters which are occurring with greater and greater frequency.

So, again, I want to thank the chairman for working with us on a bipartisan basis to improve the bill and address the scope issues that we had raised at the subcommittee markup.

And, finally, the third bill would reauthorize the FCC. This legislation is better as a result of our working together. The manager's amendment includes text that will finally protect television viewers and radio listeners during the incentive auction repack. We have been working hard to solve this problem since last Congress, and I am pleased this committee is finally acting.

We have to ensure that all Americans have access to their local broadcast stations during the repack. Access to local info has become even more important in the wake of last year's deadly natural disasters. In this amendment, not only do we help ensure consumers' broadcast stations don't go dark, we also include \$50 million in funding to help educate consumers about the transition, and all of our efforts will go to waste if people do not know how to get their TVs to work.

During the subcommittee markup, I made clear that protecting viewers was a prerequisite for me to move forward with reauthorizing the FCC at full committee, and I appreciate again the bipartisan work that got us here today. So I appreciate all our work together, and

we are -- on the minority side, very supportive of moving forward on these bills. Thank you.

[The prepared statement of Mr. Pallone follows:]

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The Chairman. I thank the gentleman.

Are there other members seeking recognition? The chair recognizes the chairman of the Telecommunications Subcommittee, Mrs. Blackburn, for 1 minute.

Mrs. Blackburn. Thank you, Mr. Chairman.

The Good Samaritan Healthcare Professionals Act is something that really is a culmination of many years of hard work in a bipartisan manner to address the shortages of medical volunteers available to provide care to victims of natural disasters and those affected during emergencies. And as previously stated, the bill is going to put in place narrowly tailored Federal civil liability protections for licensed healthcare professionals who volunteer their services in a time of need, and ensure that these professionals can deliver timely critical care to disaster victims.

And then we get to the FCC Reauthorization Act. We found bipartisan consensus on many member priorities and advanced this bill unanimously with the understanding that more work needed to be done before consideration by the full committee. We have done that over the last couple of months, and we are pleased to bring the Ray Baum's Act forward today.

I know that we have got a couple of outstanding issues that we are working on with Mr. Tonko and Mr. Lujan and others to resolve as we get ready to move this to the floor. So I thank all the members of the committee for their work and their determination to get this done. And I yield back my time.

The Chairman. The gentlelady yields back.

Are there other members seeking recognition? Democrat side -- seeing none, any on the Republican side?

Mr. Latta is recognized for 1 minute.

Mr. Latta. Well, thank you very much, Mr. Chairman. Before I begin, first of all, I want to thank you very much for hosting the special order last night for Ray and allowing me to participate. I also know the hard work he did and the staff did, especially when we got the -- my SELF DRIVE Act out of committee, 54 to nothing, and out of the House with a voice vote, which most people couldn't believe that could get done, but Ray could do it. So I thank you for it.

Mr. Chairman, while I support the bills before the committee today, I would not -- be remiss not to express my disappointment that H.R. 3787, the Small Entity Regulatory Relief Opportunity Act, was not included in the underlying FCC Reauthorization Act. The bill introduced by myself and Mr. Schrader would streamline procedures at the FCC for small businesses to seek waivers of relief from new regulations.

I applaud the majority's commitment to produce bipartisan legislation, and I am pleased with the FCC Reauthorization Act. It is a product of compromise, however, I am attempting to include SERRO under the base text, even offering changes to the language received push-backs from the minority, despite having their own member as a sponsor of the bill and several other Democrat offices reaching out to minority staff asking for SERRO's inclusion.



I appreciate the bipartisan support for SERR0, and I hope to continue to work with my colleagues on both sides of the aisle to move it through committee and to the House floor. Thank you, Mr. Chairman. I yield back.

The Chairman. I thank the gentleman.

Are there other members seeking recognition?

Mr. Schrader.

Mr. Schrader. Thank you, Mr. Chairman. I won't take very long. I will follow up on what my good friend, Congressman Latta, said with regard to H.R. 3787, the Small Entity Regulatory Relief Act, you know, wanting to get that be part of this reauthorization. It is a bipartisan bill. We have worked hard on this trying to give regulatory relief to small entities that are subject to FCC's jurisdiction. Indeed, included in today's FCC package are 12 bills from members of the committee. You know, frankly, we feel our legislation was equally worthy of consideration.

I come from a very rural district that has a number of small providers, and it is just simply unreasonable to expect that many of these folks would be subjected to the same regulatory burdens that all the big folks have to deal with. To be clear, we are not asking for anything crazy. We are just trying to get meaningful framework for some of these small providers.

Basically, the bill does three things, as was alluded to. Directs the FCC to establish streamline cost-saving procedures for small entities. We defer the imposition of new regs on small entities

for a year, unless we specifically prohibit such a deferral. So we still maintain control. And require the FCC to review existing regulations every 3 years to determine if there is a reason to modify any obligations currently imposed by the FCC on these smaller entities. We want to have good competition.

I think sometimes we have a knack for making things a little more difficult than they should be. It really shouldn't be very controversial, in our opinion. It is not a heavy lift. It is our sincere hope that we can move this bill later on this year.

The Chairman. We will continue the discussion.

I think we go now -- just for member awareness, your statements, of course, would be put in the record. Pursuant to our rules, we are expecting votes on the floor about 4:20. So the question will come, do we finish today, do we come back after votes. So let that guide you in your opening statements.

But Mr. Flores is recognized for a whole minute.

Mr. Flores. Thank you, Mr. Chairman. I appreciate being the last person to get to comment on this in opening comments.

I appreciate you holding this markup, and I want to thank Chairman Blackburn for offering her bill to reauthorize the FCC, which is long overdue. There are many positive policy improvements in the bill, but I am particularly pleased to see that we are providing assistance to our Nation's broadcasters as they prepare to adjust their operations as a result of the repack.

In particular, I appreciate the inclusion of section 603, which

makes funds available for radio broadcasters. This section echoes the fundamentals of the bill that Gene Green and I introduced, which is H.R. 3685, the Radio Consumer Protection Act, which establishes a radio protection fund for the narrow purpose of reimbursing impacted stations for their cost associated with their response to the repack.

The 2012 incentive auction has been and continues to be a tremendous catalyst for broadband deployment, but certainly had an unintended consequence for our radio broadcasters. Both H.R. 3685 and now section 603 will prevent radio broadcasters from being damaged by the repack. I thank the chairman for the support of this proposed solution to address this issue.

That said, one last comment. My bill originally included AM, FM, and noncommercial educational FM and FM translator radio broadcast stations in the bill. 603 only pertains to FM stations, so we will need to work on that before we go to the floor.

I yield back.

The Chairman. I thank the gentleman.

Other members seeking recognition?

Mr. Loeb sack. Oh, wait a minute. Mr. Green I guess is next up.

Mr. Green. Thank you, Mr. Chairman. And my colleague on our repack fund got my attention.

I want to thank you for your work, Chairman, on H.R. 1876, and the Good Samaritan Health Professionals Act of 2018. I think we all agree that we need to support our healthcare professionals who are volunteering their services during natural disasters, which are

occurring with greater and greater frequency. Their brave and selfless contributions represent the best of what this country has to offer.

I want to thank Congresswoman Blackburn for addressing my concern about the scope of the liability coverage and amending the bill to address my concern about not extending liability to cover ongoing treatment or routine medical care in another State. I look forward to working together on a bipartisan basis and move this bill out of the committee in the full House.

I also want to thank the ranking member and chair for coming together and adding funds for the broadcaster repack fund and the FCC reauthorization bill we are considering today, and my colleague from Texas, Congressman Flores. This new fund will ensure that local television and radio stations that have substantial relocation costs due to the FCC spectrum auction will be made whole. It is estimated that a financial impact of repack for local radio could be as much as \$50 million and nearly \$1 billion for local stations nationwide.

I thank you, and I yield back.

The Chairman. The gentleman yields back.

Other members seeking recognition?

Mr. Hudson, I think, is probably next up for a minute.

Mr. Hudson. Thank you, Mr. Chairman. And considering the time crunch, I am going to forego my fantastic statement and just ask unanimous consent that I be able to submit for the record a letter from the --

The Chairman. Without objection.

Mr. Hudson. -- North Carolina Retail Merchants Association  
supporting H.R. 3477.

The Chairman. Without objection.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

The Chairman. Mr. Loeb sack is recognized for 1 minute.

Mr. Loeb sack. Thank you, Mr. Chair.

I do want to thank the chairs and ranking members for this markup today. We have got three good bills. And in particular, I am pleased to see the FCC reauthorization going forward.

This actually represents what I think we need to be doing a lot more of in Washington and what people outside the beltway want to see happen more often; that is, Members of Congress coming together in a bipartisan manner to adopt the commonsense bill, in this case.

A lot of good things in this bill. I am particularly pleased that the committee has agreed to include my legislation, which I have talked about ad nauseam, I would agree, and that is the Rural Wireless Access Act, integrator package. I want to thank Mr. Costello for working with me on this bipartisan bill that will help provide the data needed to improve wireless voice and mobile internet services, and ensure the resources go to the areas that need it most. And being from a rural area, I am very concerned about this issue. So I want to thank you for having this markup today.

I want to thank Mrs. Blackburn, in particular, for working with me on a bipartisan basis to make sure that this bill is included in the larger reauthorization.

Thank you, and I yield back.

The Chairman. You are more than welcome. Thanks for your good work. The gentleman yields back.

Other members on the majority side seeking recognition? Seeing

none, the chair recognizes the gentleman from California for 1 minute.

Mr. Ruiz. Thank you, Chairman.

First, I want to thank you, Chairman Walden, as well as Chairman Blackburn, for following through in your commitment to work with me to include language in this bill that would help close the digital divide in Indian country.

My bill, the Tribal Broadband Development Act, would direct the FCC to identify what areas in Indian country currently lack access to broadband internet, and within 30 months, conclude a rule making to address these areas. This means the FCC will have to take real concrete action and provide resources to eliminate the digital divide in these unserved Tribal lands across the Nation.

Thank you, and I yield back the balance of my time.

The Chairman. The gentleman yields back.

Other members -- the gentleman from California is recognized, Mr. Peters.

Mr. Peters. Mr. Chairman, I merely ask unanimous consent to enter into the record for H.R. 3477, a February 14 letter from the California Retailers Association.

The Chairman. Without objection.



[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Peters. Thank you. I yield back.

The Chairman. All right. All right. No other members seeking. We will move on then to -- the chair now calls up H.R. 3477 -- oh, I am sorry. Mr. Butterfield is recognized for 1 minute.

Mr. Butterfield. Thank you, Chairman, Walden. I want to just very briefly enter into the record that -- I want to thank my friend, Congressman Hudson, for working together with us on this bill, on H.R. 3477, the Ceiling Fan Energy Conservation Harmonization Act. I want to thank him for his friendship and his bipartisan way in which we handled this, and urge my colleagues to enact it. Thank you.

I yield back.

The Chairman. The gentleman yields back.

Okay. Anyone else seeking recognition? If not, the chair now calls up H.R. 3477, and asks the clerk to report.

The Clerk. H.R. 3477, to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020.

The Chairman. Without objection, the first reading of the bill is dispensed with.

[The bill follows:]

\*\*\*\*\* INSERT 1-1 \*\*\*\*\*

The Chairman. The bill will be open for amendment at any time. Are there any bipartisan amendments to the bill? Are there any amendments to the bill?

If not, the question now occurs on favorably reporting H.R. 3477 to the House. All those in favor will signify by saying aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it. And the bill is favorably reported.

The chair now calls up H.R. 1876, is favorably forwarded by the Subcommittee on Health on January 17, 2018, ask the clerk to report.

The Clerk. H.R. 1876, to amend the Public Health Service Act to limit the liability of healthcare professionals who volunteer to provide healthcare services in response to a disaster.

The Chairman. Without objection, the first reading of the bill is dispensed with.

[The bill follows:]

\*\*\*\*\* INSERT 1-2 \*\*\*\*\*

The Chairman. The bill will be open for amendment at any point. The chair recognizes Mrs. Blackburn for the purpose of an amendment, and the clerk will report the amendment.

The Clerk. Amendment to H.R. 1876 offered by Mrs. Blackburn.

The Chairman. Without objection, the reading of the amendment is dispensed with, and Mrs. Blackburn is recognized for up to 5 minutes in support of her amendment.

[The amendment of Mrs. Blackburn follows:]

\*\*\*\*\* INSERT 1-3 \*\*\*\*\*

Mrs. Blackburn. I thank you, Mr. Chairman.

During the markup that we had on this bill at the subcommittee last month, the gentleman from Texas, Mr. Green, noted his concerns that the bill did not limit the scope of the bill's protections to cover only care rendered in the State or States where the disaster occurred. So the amendment would correct that. This was a wise observation. I appreciate that he brought it to our attention. The amendment puts in place a line that will cover that.

And I would encourage support for the amendment and the bill, and I yield back.

The Chairman. Any further discussion on the amendment? Seeing none, the question now comes on adoption of the amendment. All those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the amendment is adopted.

Are there any other amendments?

Seeing none -- the chair goes to the right crib sheet here -- the question now occurs on favorably reporting H.R. 1876 as amended to the House. All those in favor shall signify by saying aye.

Those opposed, no.

The ayes appear to have it. The ayes have it, and the measure is favorably reported as amended.

The chair now calls up H.R. 4986, and asks the clerk to report.

The Clerk. H.R. 4986, to amend the Communications Act of 1934

to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with.

[The bill follows:]

\*\*\*\*\* INSERT 1-4 \*\*\*\*\*

The Chairman. The bill will be open for amendment at any point. The chair now recognizes the chairwoman of the Telecom Subcommittee, Mrs. Blackburn, for purpose of offering an amendment in the nature of a substitute, and the clerk will report the amendment.

The Clerk. Amendment in the nature of a substitute to H.R. 4986 offered by Mrs. Blackburn.

The Chairman. Without objection, the reading of the amendment is dispensed with, and Mrs. Blackburn is recognized for up to 5 minutes in support of the amendment.

[The amendment of Mrs. Blackburn follows:]

\*\*\*\*\* INSERT 1-5 \*\*\*\*\*

Mrs. Blackburn. Mr. Chairman, I will simply take this time to say a thank you to the staff who has worked so hard on both sides of the aisle to get this legislation ready to go to craft the amendment that addresses the concerns. As I said earlier, we still have a couple of outstanding issues that we are working on, but we know that what we have done is to address the repack issue. We have addressed the reauthorization issue. I thank the staff and the team that has worked and the members who have brought forward ideas, and how wonderful that after 25 years, we will reauthorize the FCC.

And I yield back.

The Chairman. The gentlelady yields back.

And I would just steal a little bit of her time to thank her and her team and the team on the minority side for your great work on this act and the naming of it, the Ray Baum's Act. And he also chaired the joint committee between the public utility commissions and the FCC, so it is even -- he did a lot of work there.

I now recognize the chairman from -- or the ranking member -- let's not get carried away here. Yeah, yeah, yeah. I know where that one is going. -- the ranking member from New Jersey, Mr. Pallone, for up to 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman.

I am happy, as I said, that this amendment is named in honor of the passing of our friend, Ray Baum. It is fitting that we name this particular bill after Ray. He had a passion for telecommunications policy and a special place in his heart for broadcasting. And as I



said last night on the floor, he was also the eternal optimist. I know that no one thought that we would ever be able to come together to protect broadcast viewers, but Ray never faltered in his belief that we could find a solution that we could all get behind, and he was right.

He would be proud of everything else we are accomplishing here today. We were able to incorporate proposals from members on both sides of the aisle, just the way Ray would have liked it. And let me just mention a little of what Ray helped the Democratic members get done today.

We included language from Congressman McNerney that will help us understand how to help veterans connect to broadband. We were able to add provisions from Congresswoman Eshoo to help first responders find someone when they call 911. We included Congressman Loeb's Rural Wireless Access Act to ensure the FCC is using the best coverage data. Mr. Engel authored a section that makes sure our government is working better together and has more relevant cyber threat information. And Congressman Ruiz contributed a section to ensure the FCC is properly supporting broadband on Tribal lands.

And, finally, we are voting on my Viewer Protection Act. The American people depend on broadcasters to provide local news and information. My district saw firsthand how important that is when we were struck by Hurricane Sandy 5 years ago. And the Viewer Protection Act will make sure no one loses that signal as a result of the FCC's repacking efforts.

Now, I just want to say that the chairman and I have agreed we

will provide funding for this -- money, I should say, for this fund, and that includes money for high power broadcasters, for low power broadcasters, dollars for radio broadcasters, and for consumer education, because without these resources the bill is not meaningful.

So I just want to make it clear for the record, Mr. Chairman, and ask for your commitment to ask for appropriations to which we had agreed.

The Chairman. Before I do that, I didn't know Ray had given away the store. No. So thank you for your comments.

And, absolutely, that is the whole reason we are doing this is not only to provide the expanded authorities we have now come to learn after all these years, the auction out there. There were some areas we missed, frankly, when we wrote the first bill. This captures that so that people won't be punished for the repack that shouldn't be, and that we get the funding. So this opens the door for that. And you have my full commitment that we will do this arm in arm, and go to the leadership and the appropriators.

And I have secured some level of commitment all the way up and down the appropriator food chain, but it is important that we pass these -- this piece of legislation, both to reauthorize the FCC and to make these other changes, and to adjust the underlying statute so that we can take care of the people we said we would take care of. So you got it.

Mr. Pallone. Thank you very much. And I yield back.

The Chairman. Are there other members seeking recognition?

Go to the Republican side. Mr. Johnson from Ohio is recognized for up to 5 minutes.

Mr. Johnson. Okay. Thank you, Mr. Chairman.

And i am pleased that legislation that I sponsored to create an independent Inspector General for the FCC, which was H.R. 2636, was included in both the FCC reauthorization bill text and Chairman Blackburn's substitute amendment.

Currently, the IG for the FCC is not only appointed by the chairman, but also reports to and is under general supervision of the chairman of the Commission. Straightforward legislation that amends the Inspector General Act of 1978 to require the President, with the advice and consent of the Senate, to appoint the Inspector General of the Federal Communications Commission is needed.

Over 30 other Federal department agencies have an independent office of inspector general. DOD does, Labor does, HHS, GSA, et cetera. Good governance is a matter of transparency and accountability. And to do that, the FCC needs to have an independent IG.

So I urge my colleagues to join me in supporting Chairman Blackburn's amendment, in the nature of a substitute, that not only reauthorizes but also provides critical improvements to the FCC.

The Chairman. The gentleman yields back the balance of his time.

The chair recognizes the gentlelady from California, Ms. Eshoo, for up to 5 minutes.

Ms. Eshoo. Thank you, Mr. Chairman.

First, I want to thank you for holding this important markup today, and for working with the Democrats to include a number of important priorities that are in the bill. We are all very grateful for that.

I am particularly proud to see legislation that I authored in the last Congress, the RESPONSE Act, included in the manager's amendment to H.R. 4986. The legislation requires the FCC -- and I think members have heard me speak of this over and over and over again -- to conclude a proceeding requiring all multiline telephone systems to provide first responders with precise location technology when 911 is dialed. This will ensure that anyone that is dialing 911 from a multiline telephone system, whether they are in a 12-story hotel or a 30-story office building, the first responders will have the specific location of where the emergency is. And I should add, our office buildings, our office buildings. I mean, it is a labyrinth of hallways and pathways. So I think this is really important.

As we approach the 50th anniversary of the first 911 call that was dialed in our country, I think that it is a must for Congress and the FCC to do everything possible to improve the accuracy of 911 calls so that first responders really have everything that they need.

I am also pleased to see legislation that I have introduced over the last four Congresses to promote more bipartisan collaboration. I knew it would happen one day, you know, I mean, tenacity around here, right? Bipartisan cooperation and collaboration amongst FCC commissioners, that is also included in today's bill.

In the last Congress, I introduced it with Mr. Shimkus and Mr. Doyle, and it allows for a bipartisan majority of commissioners to meet for collaborative discussions, as long as they disclose such meetings. I have always thought that made sense. All Republican and Democratic FCC commissioners agreed and supported the legislation. So it is finally that day.

So today's markup, I think, demonstrates that there actually is bipartisan collaboration here, and I think that we should extend ourselves with every opportunity possible to promote it. I am very grateful to you, Chairman Walden, and to Chairwoman Blackburn, for working with me on these important endeavors, and I look forward to seeing the first reauthorization of the FCC since 1991 -- it is incredible -- move one step closer to becoming law. And I think that this is legislation that is worthy of every members' vote.

So thank you, and I yield back.

The Chairman. I thank the gentlelady for good work and kind comments.

Are there members on the Republican side seeking recognition? Mr. Lance is recognized for up to 5 minutes.

Mr. Lance. Thank you, Mr. Chairman, and I move to strike the last word.

I would like to commend you and the rest of the committee leadership and staff on both sides of the aisle for your tremendous work on making this important reauthorization possible.

After 25 years, we are finally moving toward passage of the

reauthorization of the Federal Communications Commission. As an authorizing committee, this is one of our most important duties, and I commend you, Mr. Chairman, for your commitment to reauthorizing agencies under our jurisdiction.

I am pleased that this legislation contains the Anti-Spoofing Act, a bill I have worked on with Congresswoman Meng of Queens County in New York City, and Chairman Emeritus Barton of Texas, and we have been working on this issue for several years.

Spoofing is an insidious practice used by scammers to call consumers using a fake telephone number, often pretending to be a bank or a governmental agency. This legislation would provide a much needed legislative fix to prohibit spoofing over text messaging and IP voice services. I thank you and also Chair Blackburn for including these provisions to protect consumers. And unfortunately, often spoofing occurs with senior citizens or with veterans, and it is a horrific practice.

I am also glad that we were able to include language to address the funding shortfall for broadcasters regarding the spectrum repack that resulted from recent incentive auction.

And finally, of course, I join everyone else on this committee in our recognition of Ray Baum, a fitting tribute that this bill is named in his honor.

Thank you, Mr. Chairman. I urge a yes vote on this important legislation, and yield back the balance of my time.

The Chairman. I thank the gentleman for his work and kind

comments.

I go to the ranking member of the Telecom Subcommittee, Mr. Doyle, for up to 5 minutes.

Mr. Doyle. Thank you, Mr. Chairman.

And along with all the other members, I want to pay my respects to Ray Baum. I know his passing was a great personal loss to you and his family. He was a dedicated public service and he was a kind and generous person, and we all miss him.

Mr. Chairman, the FCC reauthorization bill before us today is a good bill, and it is a product of bipartisan compromise. It includes a number of bipartisan and democratic priorities that we are happy to see included. I won't repeat them; Mr. Pallone has already done that.

I am happy to see the committee is finally moving forward with authorizing additional funds for the incentive auction repack fund. This money will go to ensure that broadcasters are held harmless through this process, and also ensures that additional funds will be made available for the repack costs of LPTV and FM radio stations.

And while I am happy to see that we were also able to include funds for consumer education and outreach and to ease the impact of the repack on consumers, I still think that more needs to be done, and I would prefer that we made more funds available. I intend to support the amendment to this bill, and I hope to see this bill advance to the floor.

All that being said, there still are some serious issues that are facing this committee and the American people. Many of these are self-inflicted wounds, such as actions taken by the FCC to repeal net

neutrality and gutting competition in the business data service market.

And then there is the FCC's planned actions on Lifeline that could leave millions of people without access to 911, medical services, or loved ones. Other problems are ones of Congress and the administration's own design on broadband privacy and rural broadband and a seeming refusal to dedicate funds to build out, despite all evidence, that the testimony before our own committee and the urging of our rural members.

It is my sincere hope that we not lose sight of the importance of these issues also and the impact that they are having and will have on our country, but this is -- the bill before us is a good compromise and I do intend to support it. And I yield back.

The Chairman. The gentleman yields back the balance of his time.

Are there other members seeking recognition on the majority side?

If not, are there members on the Democratic side? And remember, seniority, I guess we go here, don't we, to Ms. Matsui is recognized for up to 5 minutes.

Ms. Matsui. Thank you, Mr. Chairman.

I also offer my condolences to Ray Baum's family. Ray was also someone around here who was steady, as steady as a rock, and a man of good humor. And I believe that he would be proud of the way we are proceeding today.

I am pleased we are coming together to reauthorize the Federal Communications Commission, and ensure that our local broadcasters have the resources they need after the incentive auction. Telehouse



services, precision agriculture, public safety communications, and connected devices all rely on access to spectrum, the invisible infrastructure in the 21st century.

Additional spectrum is necessary both to expand wireless coverage across rural America and their capacity across all of America. That is why I am pleased the Spectrum Auction Deposits Act, which Congressman Guthrie and I introduced, was included in this package. Importantly, this will allow the FCC to continue to conduct auctions so we can unlock the spectrum necessary to deploy next-generation broadband networks. Without this fix, spectrum auctions all lead to expansion of broadband across -- broadband access across the country may be put -- held off indefinitely.

I thank the committee and Congressman Guthrie for their attention to this bipartisan issue, and look forward to working together to enact this provision into law. I yield back.

The Chairman. The gentlelady yields back.

Other members seeking recognition? The chair recognizes the gentleman from Vermont, Mr. Welch, for up to 5 minutes.

Mr. Welch. Thank you very much, Mr. Chairman.

And I support this bill. It does have good provisions recommended by both sides. But there is a concern I have, and it is one that I have expressed before. Rural America is on the precipice of being left behind or being fully integrated into the modern economy that requires full broadband service. And the FCC and this committee has the responsibility to take on the very substantial challenges that

face rural America or it will be left behind.

This is an opportunity for us to make some statements, even if we have policy disagreements, but net neutrality, in my view, is crucial. Net neutrality was an existing policy that was working. It has been taken away by the current FCC without really any hearings on this committee. We had bright-line rules that banned paid prioritization, it banned blocking, and it banned throttling. I am very concerned about the Wild West world we are in right now where we don't know what the future will be.

A second concern I have is about the Sinclair-Tribune merger. We haven't had a hearing or talked about this merger. 215 broadcast stations would be controlled by a new company reaching 72 percent of U.S. households. It was President Ronald Reagan who understood the importance of having local television service. Shouldn't we be having hearings to ask the question whether we should eliminate the main studio rule?

In rural Vermont, we want local broadcast stations to have physical studios in the area of the license to ensure local news. And that is true across rural America. Should we be relaxing media ownership rules? Eliminating the rule that one entity could not own two major broadcast stations in the same local market. Rural America wants local news.

And then the third question is rural broadband. We all want it. We have got strong support for it from Republicans and Democrats. And we have heard some testimony about the necessity of regulatory

adjustments and perhaps easing some regulations to allow for the build-out. I am all for that. But there is absolutely no question, and we shouldn't pretend that there is, that there is no market incentive to be building out in rural America. It just doesn't support it.

Will this committee take the lead in saying we have to have a public policy, much like this Congress did when it came to rural electrification? Where it wasn't for profit reasons that there was a build-out of that infrastructure, it was because we respected and understood the importance of rural America and the contribution it can make to all of us. That is our job.

So this is a good bill, but this is the challenge, and it is a challenge about rural America and whether all of us are going to work together to make sure they are not left behind. And I hope, Mr. Chairman, that that --

The Chairman. Does the gentleman yield?

Mr. Welch. And I will yield.

The Chairman. You got it. And, in fact, I was privileged to be in the White House for about an hour and a half in a bipartisan meeting on infrastructure earlier today with the President and made that very case. And I know you represent a very rural State. Your State would fit in one of my 20 counties, so I got this one in terms of the importance of making sure that we connect all of America at speeds and capabilities that bring us all together as a country.

And this is something that is a focus of mine, has been a focus

of mine, and I know it is shared with many on the committee on both sides in the work we all do. So we have got to find a path forward here.

I was encouraged there is some money, at least allegedly, put aside in the proposal. The President is willing to work with us to build upon that. And we are all in.

And part of what we are doing here on the repack, by the way, helps speed up the effort to get wireless coverage out into areas underserved. So this is a big cause of yours and mine and many on this committee to achieve.

Mr. Welch. Thank you, Mr. Chairman, and I yield back.

The Chairman. Just for situational awareness, they have called the votes. Thirteen minutes left. So are there other members seeking recognition on either side of the aisle?

The gentleman from New Mexico is recognized for up to 5 minutes.

Mr. Lujan. Thank you, Mr. Chairman. Strike the last word.

Mr. Chairman, first off, I want to say thank you to you for bringing members together last night to recognize Mr. Ray Baum. I apologize sincerely to you, to our colleagues, and his family that I wasn't able to attend in person, but being deeply saddened by the passing of Ray, who was a consummate professional, whose decency and graciousness showed in everything that he did.

As we know, Ray brought decades of expertise and a depth of knowledge to everything that he did and everything that he touched. The staff that had a chance to get to know him and work with him, not

just on this committee, but in his time and tenure, with the broadcasters, and before that with his leadership in the Oregon State legislature, as well as the PUC, that is where my timeline and my appreciation for Ray goes back to, the time that we both served on our respective commissions, our utility commissions together.

Ray was brilliant then and was brilliant here. The first time I saw Ray when I was first made -- appointed as a member of this committee, I said, Ray, what are you doing here? And he says, well, I am going to work with you. And I said, wonderful. Who are you working with? And he said, Mr. Walden. And my frown went from that to a little bit of confusion. And I says, Ray, we certainly worked on a lot of incredible things when we were together, maybe we will do it here. And he said, well, I am always willing to. You make sure you get the support of Mr. Walden and we can get anything done.

It is how Ray always brought a smile to the toughest of negotiations and situations. And I know I am going to miss him deeply. When I had a tough question, as you know, Mr. Chairman, Ray is the guy that I went to, and he is going to be deeply missed. So thank you for acknowledging him by naming this bill after him.

Mr. Chairman, I also want to associate myself with the remarks of Mr. Welch. Coming from a district that is 47,000 square miles, one of the larger ones in the country, the importance of providing coverage in rural America. So I appreciate your commitment there.

I also want to share my appreciation to the chair, to Mrs. Blackburn, and my Republican colleagues to work together on the FCC

Tribal operating expense order.

Mr. Chairman, not to get into all the details associated with this, but this is an order that we all know has been delayed and has been waiting for action since February 13 of 2017. It is one that there is a lot of bipartisan support with in this committee, many of us who represent Tribal nations, sovereign nations from around the country.

And, Mr. Chairman, I am just certainly hoping that the conversations and the communications to try to get this resolved, when we know that there is no good reason why this isn't being acted on by the FCC, that we can certainly get some agreement today. So, again, just wanted to show my appreciation to the remarks that were included by Chair Blackburn and yourself, Mr. Chairman. I don't know if there is any assurances you can give us. I think the staff has been in communication, but I would yield if there are. If not, I would yield back the balance of my time.

The Chairman. Happy to work with you on it. I will get debriefed and see what we can do to be helpful.

Mr. Lujan. Thank you, Chairman. I yield back.

The Chairman. Okay. Anyone else seeking recognition?

If not, the vote now occurs on the amendment in the nature of a substitute. All those in favor will say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it. And the amendment is agreed to.

Are there any other amendments?

Seeing none, the question now occurs on favorably reporting H.R. 4986, as amended, to the House. All those in favor shall signify by saying aye.

Those opposed, no.

The ayes appear to have it. The ayes have it, and the bill is favorably reported.

Oh, and two announcements for the committee. Allie Bury, who is right there, is leaving to join the Department of Energy to be Dan Brouillette's assistant. So this is her last markup.

So, Allie, thanks for your great service here. Don't forget, once part E&C, always part E&C.

And A.T. Johnston is going off to -- stand up, A.T. -- to the Department of Defense. Her son is -- is he -- he is at West Point? He is at West Point. She will work with military families in a role over there, a cause dear to her heart. Her son is a second-year cadet at West Point, so she will be at a very high level at the Department of Defense working with families, which is a wonderful calling. But remember, E&C always comes first. So thank you for service and your son's service.

Good luck at Department of Energy. We know where you live. And we won't subpoena you.

With that, I ask unanimous consent to include in the record letters from the following: the North Carolina Retail Merchants Association, Georgia Retailers, Retail Industrial Leaders Association, Florida Retail Federation, South Carolina Retail

Association, American Association of Orthopaedic Surgeons, California  
Retailers Association, and Illinois Retail Merchants Association.

Without objection, so ordered.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



The Chairman. Without objection, the staff is authorized to make technical and format changes to the legislation considered by the committee today. So ordered.

Without objection, thank you all for your great service in this work. The committee stands adjourned.

[Whereupon, at 4:40 p.m., the committee was adjourned.]