

ONE HUNDRED FIFTHTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
 COMMITTEE ON ENERGY AND COMMERCE  
 2125 RAYBURN HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
 Minority (202) 225-3641

**MEMORANDUM**

**February 13, 2018**

**To: Committee on Energy and Commerce Democratic Members and Staff**  
**Fr: Committee on Energy and Commerce Democratic Staff**  
**Re: Full Committee 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**

**On Wednesday, February 14, 2018 at 3:30 p.m. in room 2123 of the Rayburn House Office Building**, the Committee on Energy and Commerce will meet in open markup session to consider 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.

**I. H.R. 3477, CEILING FAN ENERGY CONSERVATION HARMONIZATION ACT**

On July 27, 2017, Rep. Hudson (R-NC) introduced H.R. 3477, the Ceiling Fan Energy Conservation Harmonization Act. The bill extends the compliance deadline for the rule amending the standards for ceiling fan light kits from January 7, 2019, to January 21, 2020.<sup>1</sup> The stated purpose of the legislation is to align the compliance deadline for the Ceiling Fan Lighting Kit (CFLK) standard with a separate standard for ceiling fans, which has a compliance date of January 21, 2020.<sup>2</sup> The Department of Energy had determined that more stringent CFLK standards would conserve more energy, while also being more economically feasible.<sup>3</sup>

On January 30, 2018, the Subcommittee on Energy forwarded H.R. 3477 to the full Committee by voice vote.

---

<sup>1</sup> H.R. 3477, Ceiling Fan Energy Conservation Harmonization Act. All Democratic Committee materials are available [here](#).

<sup>2</sup> Department of Energy, *Energy Conservation Program: Energy Conservation Standards for Ceiling Fans*, 82 Fed. Reg. § 6826 (Jan. 17, 2017) (final rule).

<sup>3</sup> Department of Energy, *Energy Conservation Program: Energy Conservation Standards for Ceiling Fan Light Kits*, 81 Fed. Reg. § 579 (Jan. 6, 2016) (final rule).

## **II. H.R. 1876, GOOD SAMARITAN HEALTH PROFESSIONALS ACT OF 2017**

H.R. 1876, introduced by Rep. Blackburn (R-TN) and Rep. David Scott (D-GA), would limit the civil liability of healthcare professionals who volunteer to provide health care services in response to a disaster. Healthcare professionals cannot be held civilly liable for harm arising out of their acts or omissions, if: (1) the professional is serving as a volunteer for purposes of responding to a disaster; and (2) the act or omission occurs during the period of the disaster, in the healthcare professional's capacity as a volunteer, and in their good faith belief that the individual being treated is in need of health care services. Protection from liability does not apply where there is willful or criminal misconduct, gross negligence, reckless misconduct, a conscious, flagrant indifference to the rights or safety of the individual harmed, or if the health care professional rendered the health care services under the influence of drugs or alcohol. The bill would also preempt state laws, except those providing greater protection from liability.

The Subcommittee on Health held a hearing on this legislation on May 17, 2017, and forwarded H.R. 1876 to the full Committee by voice vote on January 17, 2018.

## **III. H.R. 4986, FCC REAUTHORIZATION ACT OF 2018**

The Federal Communications Commission (FCC) is an independent federal agency with authority under the Communications Act to regulate communications by wire and radio.<sup>4</sup> While the agency is funded by fees paid annually by regulatees,<sup>5</sup> the agency's operating expenses are nevertheless subject to the annual appropriations process.<sup>6</sup> The FCC's most recent full authorization expired in 1991.<sup>7</sup> That authorization was for \$119,831,000.

The Majority released an FCC reauthorization discussion draft on July 18, 2017. The Subcommittee on Communications and Technology marked up that discussion draft on October 11, 2017 and reported it to the full Committee by voice vote. The discussion draft, as amended by the Subcommittee, has since been introduced as H.R. 4986, the FCC Reauthorization Act of 2018. Below is a brief summary of the bill.

### **A. Title I—FCC Reauthorization**

Sec. 101 provides a \$322 million authorization level for appropriated funding for fiscal years 2019 to 2020. This section also includes the text from H.R. 4109, the Spectrum Auctions Deposits Act, sponsored by Rep. Matsui (D-CA) and Rep. Guthrie (R-KY), which would remove the requirement on the FCC that it place spectrum auction deposits in an interest-bearing account and instead require the FCC to deposit those amounts in the Treasury.

---

<sup>4</sup> 47 U.S.C. § 152.

<sup>5</sup> 47 U.S.C. § 159.

<sup>6</sup> *See generally Consolidated Appropriations Act, 2016*, Pub. L. 114-0113, 129 Stat. 2449 (2015).

<sup>7</sup> *Federal Communications Commission Authorization Act of 1990*, Pub. L. 101-396, 104 Stat. 848 (1990).

Sec. 102 brings the regulatory fees and application fees collected by the FCC under the same section of the Communications Act. Finally, Section 103 makes the amendments in Title I effective on October 1, 2018.

**B. Title II—FCC Process Reform**

Sections 201 through 206 reform the processes of the FCC by including the text from H.R. 290, the FCC Process Reform Act of 2017, introduced by Chairman Walden (R-OR). That bill passed the House on a bipartisan basis earlier this Congress.

**C. Title III—Amateur Radio Parity**

Sections 301 through 304 include the text of H.R. 555, the Amateur Radio Parity Act. That bill, sponsored by Rep. Kinzinger (R-IL), passed the House on a bipartisan basis earlier this Congress.

**D. Title IV—Securing Access to Networks in Disasters**

Sections 401 through 403 incorporate the text of H.R. 588, the Securing Access to Networks in Disasters Act, or SANDy Act, authored by Ranking Member Pallone (D-NJ). The House and Senate have both passed the SANDy Act on a bipartisan basis this Congress, albeit with slightly different versions.

**E. Title V—FCC Consolidated Reporting Act**

Sections 501 through 504 incorporate the text of H.R. 599, the FCC Consolidated Reporting Act, sponsored by Rep. Scalise (R-LA). The bill passed the House earlier this Congress on a bipartisan basis.

**F. Title VI—Additional Provisions**

Section 601 modifies the appointment structure of the FCC’s Inspector General, making that position independent and appointed by the President.

Section 602 would give the FCC’s Chief Information Officer (CIO) a role in advising on and approving the FCC’s information technology budget.

Section 603 includes the text of H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017. Rep. Welch (D-VT) and Rep. Young (R-IA) sponsored that bill. Both the House and the Senate passed H.R. 460 on a bipartisan basis in the form of S.96, as of last week.

Sec. 604 includes the text of H.R. 423, the Anti-Spoofing Act of 2017. Rep. Meng (D-NY) sponsored that bill, and the House passed it earlier this Congress on a bipartisan basis.

Sec. 605 incorporates the text of H.R. 582, Kari’s Law. Rep. Gohmert (R-TX) sponsored that bill, and the House and Senate passed it on a bipartisan basis in identical form as of last week.

Sec. 606 includes the language of H.R. 3995, the Improving Broadband Access for Veterans Act of 2017. Rep. McNerney (D-CA) and Rep. Kinzinger (D-IL) sponsored the bill, which would require the FCC to submit to Congress a report on promoting broadband internet access service for veterans, in particular low-income veterans and veterans residing in rural areas.

Sec. 607 incorporates H.R. 1546, the Rural Wireless Access Act of 2017. Rep. Loebsack (D-IA) authored this bill, which would require the FCC to establish a consistent method for collecting coverage data relating to the availability, speed, and performance commercial mobile networks.

Sec. 608 includes provisions similar to H.R. 5236, the RESPONSE Act, from the 114th Congress. Introduced by Rep. Eshoo (D-CA), the RESPONSE Act requires the FCC to conclude a proceeding to ensure accurate call location information is conveyed with 9-1-1 calls, including calls from multi-line telephone systems, regardless of the technological platform used.

Sec. 609 incorporates text that is similar to H.R. 1340, the Interagency Cybersecurity Cooperation Act. Introduced by Rep. Engel (D-NY), the bill requires the National Telecommunications and Information Administration (NTIA) to establish the Interagency Communications Security Committee. The advisory committee is charged with: (1) reviewing communications security reports from federal agencies and communications network providers; (2) recommending investigations by relevant agencies into any such reports; and (3) issuing regular reports to Congress, containing the results of any such investigation, the committee's findings following each communications security incident, and policy recommendations that may arise from each communications security incident.

Every three months, agencies must submit to the committee a report of each communications security incident compromising a telecommunications system that resulted in: (1) government-held or private information being viewed or extracted, or (2) outside programming on an agency computer or electronic device.

This section requires communications networks to be treated as critical infrastructure and protected systems under the Homeland Security Act of 2002. NTIA is subject to the same requirements as the Department of Homeland Security concerning the protection of critical infrastructure information voluntarily submitted to NTIA relating to communications networks.