APPENDIX 3
EXHIBIT 1
Buried deep within a massive transportation bill that passed the House of Representatives is a little-noticed provision that won’t have much effect on highway projects, but is of great interest to automobile dealers.

The provision, an amendment offered just before midnight on Nov. 11, would allow dealers to rent or loan out vehicles even if they are subject to safety
Recalls. Rental car companies, meanwhile, don’t get the same treatment under the proposed law.

In essence, the amendment would allow an auto dealer to loan you a vehicle under active recall while you are getting your own fixed for the same defect.

The man who offered the amendment is no stranger to car dealerships. In fact, that’s his business. Rep. Roger Williams, a Texas Republican, sponsored the amendment. In introducing it on the floor of the House, he noted, “I am a second-generation auto dealer. I have been in the industry most of my life. I know it well.”

The possibility that his action might be considered a conflict of interest was apparently not on his mind, though it certainly occurred to others.

“It seems to me that if it isn’t illegal, if it isn’t an ethics violation it ought to be,” said Rosemary Shahan, president of Consumers for Auto Reliability and Safety, a consumer group. “His amendment benefits nobody but car dealers. And he’s a car dealer.”

The rental car provision in the legislation, which is also in the Senate bill, was spurred by the deaths of Raechel and Jacqueline Houck, ages 24 and 20. The two sisters were killed in 2004 while driving a rented, recalled vehicle that caught fire and crashed head-on into a semi, according to consumer groups that have backed the rental car proposal.

Williams’ amendment would make the act apply only to companies whose “primary” business is renting cars, which would effectively exclude dealerships. No such provision exists in the Senate bill.

The amendment received little attention in the press, which may have been due to the late hour it was offered.

“It was the House floor, almost midnight, there was hardly anyone there,” said Shahan. It passed on a voice vote.

Speaking in favor of the amendment on the floor that night was another auto dealer, Rep. Mike Kelly, a Pennsylvania Republican who sells Chevrolets, Cadillacs, Hyundais and KIAs in Butler.

“There is not a single person in our business that would ever put one of our owners in a defective car or a car with a recall,” he said.

In an emailed statement, Kelly said as chairman of the House automotive caucus he is “always proud to advance a legislative agenda that encourages a competitive and innovative automotive sector that employs millions of Americans. This often means weighing in with my personal expertise on relevant bills, regulations, and, in this case, amendments.”

According to Williams’ congressional biography, he was drafted by the Atlanta Braves but after an injury ended his sports career he “decided to trade in his
baseball uniform for a suit and tie” and become a car dealer. “More than forty years later, Williams still owns and operates his car dealership,” it reads.

Williams is chairman of Chrysler Dodge Jeep RAM SRT in Weatherford, Texas. In his remarks on the House floor, Williams said the bill was bad for small businesses.

“Vehicles would be grounded for weeks or months for such minor compliance matters as an airbag warning sticker that might peel off the sun visor or an incorrect phone number printed in the owner’s manual,” he said.

Democratic Rep. Lois Capps of California didn’t agree with that reasoning, however.

“This is ridiculous. NHTSA (National Highway and Traffic Safety Administration) does not issue frivolous recalls,” she said. “All safety recalls pose serious safety risks and should be fixed as soon as possible.”

Don’t miss another investigation

Members use the House “Code of Conduct” in guiding their actions. One section appears to be relevant. A member can’t receive compensation where “the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”

The House ethics manual states that “whenever a Member is considering taking any such action on a matter that may affect his or her personal financial interests,” he or she should contact the House Ethics Committee for guidance.

A spokesman for the House Ethics Committee declined comment.

(Update, Nov. 19, 2015, 3:06 p.m.: Williams, in a statement released after publication of this story said: “Dealers should not be forced to ground vehicles for a misprint or a peeled sticker. To suggest my amendment allows me, or anyone in my industry, to intentionally loan a dangerous, defective car is a damming assertion.”

The congressman said members should be able to use their business knowledge in their jobs on Capitol Hill. “Are Members of Congress who are doctors engaged in conflicts of interest when they vote on Medicare, Medicaid or NIH [National Institutes of Health] funding?” he asked.)

The Senate and House have both passed six-year transportation bills and a conference committee is scheduled to meet Wednesday to iron out any differences. The auto dealer loophole will almost certainly be part of the discussion.
A final bill isn't expected for some time. A new deadline for passage, initially Friday, was extended by the House to Dec. 4.

This story was co-published with the Texas Tribune.

More stories about Automotive industry, Roger Williams, dealer
EXHIBIT 2
erating, or other agreement between the dealer and the manufacturer:"; and
(3) by adding at the end the following:
"(2) DEFINITION OF OPEN RECALL.—In this sub-
section, the term ‘open recall’ means a recall for
which a notification by a manufacturer has been pro-
vided under section 30119 and that has not been rem-
edied under this section.”.

SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF
TIRE DEFECTS.
Section 30120(b) of title 49, United States Code, is
amended—
(1) in paragraph (1), by striking “60 days” and
inserting “180 days”; and
(2) in paragraph (2), by striking “60-day” each
place it appears and inserting “180-day”.

SEC. 34209. RENTAL CAR SAFETY.
(a) SHORT TITLE.—This section may be cited as the
“Raeche1 and Jacqueline Houck Safe Rental Car Act of
2015”.
(b) DEFINITIONS.—Section 30102(a) is amended—
(1) by redesignating paragraphs (10) and (11)
as paragraphs (12) and (13), respectively;
(2) by redesignating paragraphs (1) through (9)
as paragraphs (2) through (10), respectively;
(3) by inserting before paragraph (2), as redesignated, the following:

"(1) 'covered rental vehicle' means a motor vehicle that—

"(A) has a gross vehicle weight rating of 10,000 pounds or less;

"(B) is rented without a driver for an initial term of less than 4 months; and

"(C) is part of a motor vehicle fleet of 5 or more motor vehicles that are used for rental purposes by a rental company."; and

(4) by inserting after paragraph (10), as redesignated, the following:

"(11) 'rental company' means a person who—

"(A) is engaged in the business of renting covered rental vehicles; and

"(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles."

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—

Section 30120(i) is amended—

(1) in the subsection heading, by adding "OR RENTAL" at the end;

(2) in paragraph (1)—

(A) by striking "(1) If notification" and inserting the following:
“(1) In general.—If notification; 

(B) by indenting subparagraphs (A) and 

(B) four ems from the left margin; 

(C) by inserting “or the manufacturer has 

provided to a rental company notification about 

a covered rental vehicle in the company’s posses-

sion at the time of notification” after “time of 

notification”; 

(D) by striking “the dealer may sell or 

lease,” and inserting “the dealer or rental com-

pany may sell, lease, or rent”; and 

(E) in subparagraph (A), by striking “sale 

or lease” and inserting “sale, lease, or rental 

agreement”; 

(3) by amending paragraph (2) to read as fol-

lows: 

“(2) Rule of construction.—Nothing in this 

subsection may be construed to prohibit a dealer or 

rental company from offering the vehicle or equip-

ment for sale, lease, or rent.”; and 

(4) by adding at the end the following: 

“(3) Specific rules for rental compa-

nies.— 

“(A) In general.—Except as otherwise 

provided under this paragraph, a rental com-
pany shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (I) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

"(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (I) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

"(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section
30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (u).

"(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

"(i) meets the definition of a junk automobile under section 201 of the Anti- Car Theft Act of 1992 (49 U.S.C. 30501);

"(ii) is retitled as a junk automobile pursuant to applicable State law; and

"(iii) is reported to the National Motor Vehicle Information System, if required
under section 201 of such Act (49 U.S.C. 30504)."

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) is amended by inserting "rental company," after "dealer," each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—

Section 30166 is amended—

(1) in subsection (c)(2), by striking "or dealer"
each place such term appears and inserting "dealer, or rental company";

(2) in subsection (e), by striking "or dealer" each
place such term appears and inserting "dealer, or rental company"; and

(3) in subsection (f), by striking "or to owners"
and inserting ", rental companies, or other owners".

(f) RESEARCH AUTHORITY.—The Secretary of Trans-
portation may conduct a study of—

(1) the effectiveness of the amendments made by
this section; and

(2) other activities of rental companies (as de-
defined in section 30102(a)(11) of title 49, United
States Code) related to their use and disposition of
motor vehicles that are the subject of a notification re-
quired under section 30118 of title 49, United States
Code.
(9) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141; 126 Stat. 785) is amended—

(A) in subparagraph (E), by striking “and” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) evaluate the completion of safety recall remedies on rental trucks; and”.

(2) REPORT.—Section 32206(c) of such Act is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking “REPORT.—Not later” and inserting the following:

“(c) REPORTS.—

“(1) INITIAL REPORT.—Not later”,

(C) in paragraph (1), by striking “subsection (b)” and inserting “subparagraphs (A) through (E) and (G) of subsection (b)(2)”; and

(D) by adding at the end the following:
“(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the ‘Raechele and Jacqueline Houck Safe Rental Car Act of 2015’, the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

“(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

“(B) any recommendations for legislation that the Secretary determines to be appropriate.”.

(b) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or
(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) is amended—

(1) in paragraph (1)—

(A) by striking “$5,000” and inserting “$21,000”; and

(B) by striking “$35,000,000” and inserting “$105,000,000”; and

(2) in paragraph (3)—

(A) by striking “$5,000” and inserting “$21,000”; and

(B) by striking “$35,000,000” and inserting “$105,000,000”.

HHR 22 EAS

15-1202_0022

COE.WILLIAMS.000830
EXHIBIT 3
Subject: Re: Highway bill amendment
Date:    Thursday, October 29, 2015 at 4:11:16 PM Eastern Daylight Time
From:    Hale, Colby
To:      Dillon, Sean
CC:      Freebairn, Spencer

What's this highway bill going to look like?

Colby Hale
Chief of Staff
Congressman Roger Williams (TX-25)
202-225-9896

On Oct 29, 2015, at 4:02 PM, Dillon, Sean <Sean.Dillon@mail.house.gov> wrote:

We talked about this briefly yesterday in our meeting and I don't see why not...

Sent from my iPhone

On Oct 29, 2015, at 2:54 PM, Freebairn, Spencer <Spencer.Freebairn@mail.house.gov> wrote:

I spoke with him and the T&I Committee. We are considering a highway bill next week. He is asking us to offer (or at least draft up) a one word amendment for the bill. In a nutshell, the issues deals with cars that are recalled. There is a senate provision that says that rental cars that are on a recall list must be grounded (not driven or rented). This would apply to dealerships that have loaner cars programs. He wants us to introduce an amendment to the Motor Vehicle Safety Title of the highway bill that would change the language to any company that “primarily” is engaged in the rental of vehicles. So that would exclude dealerships.

The other thing here is that there may not be a Motor Vehicle Safety Title to the bill — so the amendment wouldn’t go anywhere. Or it may not be made in order - not our fault, we blame leadership but CRW is a champion.

Let me know what you think.

Amendments are due by 2 pm tomorrow.

S-

J. Spencer Freebairn
Deputy Chief of Staff
Rep. Roger Williams (TX-25)
1323 Longworth HOB
Washington, DC 20515
Phone (202) 225-9896
Fax (202) 225-9692

Click here to sign up for Congressman Williams’ E-newsletter.

CONFIDENTIALITY NOTICE: This e-mail may contain privileged communications and work product. If you are not the intended recipient, please notify the sender immediately and destroy.
From: "Dillon, Sean" <Sean.Dillon@mail.house.gov>  
Date: Thursday, October 29, 2015 at 12:58 PM  
To: "Freebairn, Spencer" <Spencer.Freebairn@mail.house.gov>  
Subject: Fwd: Highway bill amendment

Can you see what he is talking about?

Sent from my iPhone

Begin forwarded message:

From: "Harrington, Michael" <nada@NADA.org>  
Date: October 29, 2015 at 12:53:12 PM EDT  
To: "Dillon, Sean" <Sean.Dillon@mail.house.gov>  
Subject: Re: Highway bill amendment

Sean -- I'm talking about the highway bill on the floor next week not the extension. Pls call me -- M. 202-549- [redacted]  

Sent from my iPhone

On Oct 29, 2015, at 11:59 AM, Dillon, Sean <Sean.Dillon@mail.house.gov> wrote:

Sorry - out of the office- as far as I know it's not next week- extension lasts until Nov 20...

Sent from my iPhone

On Oct 29, 2015, at 11:34 AM, Harrington, Michael <nada@NADA.org> wrote:

Sean -- dealers potentially have a major problem with the highway bill on the floor next week. Can you call me ASAP to discuss? We may need the Congressman to run an amendment to protect small business. Thx Michael (NADA). 202-549- [redacted]

Sent from my iPhone
EXHIBIT 4
Subject: RE: Williams Ammd talkers
Date: Tuesday, November 3, 2015 at 10:41:51 AM Eastern Standard Time
From: Harrington, Michael
To: Freebairn, Spencer
CC: Dillon, Sean

S – suggest the Congressman talk directly to Pete Sessions in advance and tell him that this amendment is crucial and is supported by House E&C. Without it, we are stuck with bad, identical Senate language that is non-conferenceable. Thanks for your efforts, Michael.

From: Freebairn, Spencer [mailto:Spencer.Freebairn@mail.house.gov]
Sent: Tuesday, November 03, 2015 10:33 AM
To: Harrington, Michael; Freebairn, Spencer
Cc: Dillon, Sean
Subject: Re: Williams Ammd talkers

Thank you for the talkers. Rules meets at 3 pm and we will have time to testify, but they did say that there are a lot of members who want to speak.

S-

J. Spencer Freebairn
Deputy Chief of Staff
Rep. Roger Williams (TX-25)
1323 Longworth HOB
Washington, DC 20515
Phone (202) 225-9896
Fax (202) 225-9692

Click here to sign up for Congressman Williams' E-newsletter

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From: "Harrington, Michael" <[redacted]@NADA.org>
Date: Tuesday, November 3, 2015 at 10:30 AM
To: "Freebairn, Spencer" <Spencer.Freebairn@mail.house.gov>
Cc: "Dillon, Sean" <Sean.Dillon@mail.house.gov>
Subject: Williams Ammd talkers

S – please find attached some talkers on the William amendment. What are you hearing from Rules? Let’s talk soon --- Rules meets at 3:00. -- Michael
Oppose a Trial Attorney-Backed Amendment to Highway Bill

Support the Williams Amendment to Protect Small Business

The Senate-passed highway bill (H.R. 22) includes a trial attorney-backed initiative that would ground all rental vehicles under recall. The proposal, led by Sens. McCaskill/Boxer/Schumer would prohibit rental car companies from renting vehicles (including dealer loaners) under any open recall. This proposal may be considered during debate on the House highway bill next week. Rep. Capps introduced the House version, H.R. 2198.

The McCaskill/Boxer/Schumer proposal is overly broad because the majority of vehicle recalls do not require the drastic step of grounding the vehicle. The bill could result in the grounding of vehicles for minor recalls such as an airbag warning sticker that might peel off the sun visor or an incorrect phone number in the owner’s manual. The measure should be opposed because it further misses the mark by requiring that recalled vehicles be grounded instead of actually fixed.

Key Points

- **Not All Recalls Are Created Equal** - This proposal will make it uneconomical or impractical for dealers to provide loaner or rental cars to their customers because it mandates vehicles be grounded for minor compliance matters with a negligible impact on safety.

- **This Proposal Favors Multinational Rental Car Companies** - It is unfair to disadvantage and regulate a small business dealer with a fleet of 5 loaner vehicles the same as a rental car company with hundreds of thousands of vehicles. The bill even allows large rental car companies additional compliance time.

- **New Regulatory Burdens for Small Business** -- This proposal imposes new government inspections, additional record-keeping requirements, and penalties up to $15 million on small businesses, and gives NHTSA the authority to add more regulatory burdens “as appropriate.” Additionally, the proposal creates unnecessary and increased personal injury litigation without a commensurate safety benefit.

November 2, 2015
From: "Harrington, Michael" @NADA.org>
Date: October 29, 2015 at 12:53:12 PM EDT
To: "Dillon, Sean" <Sean.Dillon@mail.house.gov>
Subject: Re: Highway bill amendment

Sean -- I'm talking about the highway bill on the floor next week not the extension. Pls call me -- M. 202-549

Sent from my iPhone

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Sean -- dealers potentially have a major problem with the highway bill on the floor next week. Can you call me ASAP to discuss? We may need the Congressman to run an amendment to protect small business. Thx Michael (NADA). 202-549-

Sent from my iPhone
Spencer – here’s the amendment – it’s one word – but the practical effect is that only rental car companies are regulated, not dealers. Below are the instructions for getting in filed. Again, I’m now hearing that there won’t be a House safety title, so they’ll be nothing to amend and this will be moot. But we’d prefer to have the language filed just in case.

Amendment Offered by Mr. _____ to the Senate amendment to H.R. 22:
On page 563, line 15, insert “primarily” between “is” and “engaged” so it reads as follows:

“(11) ‘rental company’ means a person who—

“(A) is primarily engaged in the business of renting covered rental vehicles; and

“(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.”.

Explanation: this amendment would clarify that only rental car companies whose primary business is renting vehicles are covered by the new requirements in this section.

Sorry for the fire drill, but it’s important we get this right. Much
We received this from staff at Rules Committee regarding procedure for amendments and consideration of the highway bill on the floor next Tuesday. We understand the Finance title will be added in Rules, that Ryan has set aside some different offsets form Senate for the bill. Energy and Commerce title likely to be added at Rules also.

We will announce an amendment deadline for the Highway Bill shortly. Deadline will be Friday @ 3pm. This will be a bit of an unusual process, so I have include the text of the Dear Colleague below. We will have a Rules Committee Print consisting of the text of the T&I reported bill with modification, which is detailed below. Members will also have an opportunity to submit amendments to the Non-Transportation Provisions contained in the Senate amendment (Ex-Im, offsets, etc). More details below.

October 27, 2015
AMENDMENT PROCESS FOR

Senate Amendments to H.R. 22 – Hire More Heroes Act of 2015
(Senate DRIVE Act)

Dear Colleague:

The Committee on Rules may meet the week of November 2nd to grant a rule that could limit the amendment process for floor consideration of the Senate Amendments to H.R. 22, the Hire More Heroes Act of 2015 (Senate DRIVE Act).

Amendments to the Transportation Provisions

Members seeking to draft amendments to the transportation provisions should draft their amendments to the text of Rules Committee Print 114-32, which contains the text of H.R. 3763, the Surface Transportation Reauthorization and Reform Act of 2015, as ordered reported by the Committee on Transportation and Infrastructure, with modifications. The text of the Rules Committee Print and a summary of the modifications contained in the committee print are available on the Rules Committee website. The Rules Committee print also strikes various Senate provisions related to transportation authorizations to establish the House’s position on transportation provisions in a conference committee.

To further clarify, if a Member seeks to offer an amendment to transportation provisions to modify any of the provisions of the Senate amendment to H.R. 22 listed below, those amendments should be drafted to the text of Rules Committee Print 114-32:

- Section 1 and all that follows through division B
- Division C EXCEPT for:
  - the division designation and heading; and
in title XXXIV, (a) the division designation and heading; and (b) subtitles B, C, and D.

Divisions D, G, and H.

**Amendments to Non-Transportation Provisions**

Members seeking to draft amendments to the non-transportation related provisions should draft their amendments to the text of the Senate amendment to H.R. 22, the Hire More Heroes Act of 2015 (Senate DRIVE Act). The text of the Senate Amendment is available on the Rules Committee website.

Members must submit 30 hard copies of the amendment, one copy of a brief explanation of the amendment, and an amendment login form to the Rules Committee in room H-312 of the Capitol by 2:00 p.m. on Friday, October 30, 2015. Both electronic and hard copies must be received by the date and time specified. Any Member wishing to offer an amendment must submit a searchable electronic copy of the amendment, which should be provided by the Office of Legislative Counsel, via the Rules Committee's website.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members should also check with the Congressional Budget Office for a preliminary assessment of their amendments' budgetary effects. Finally, members should check with the Office of the Parliamentarian and the Committee on the Budget to be certain their amendments comply with the rules of the House and the Congressional Budget Act. If you have any questions, please contact myself or Nate Blake of the Committee staff at 225-9191.
EXHIBIT 7
AMENDMENT No. 13 OFFERED BY MR. WILLIAMS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 114-326.

Mr. WILLIAMS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 593, line 15, insert "primarily" before "engaged".

The Acting CHAIR. Pursuant to House Resolution 512, the gentleman from Texas (Mr. WILLIAMS) and a Member opposed each will control 5 minutes.

Mr. WILLIAMS. Madam Chair, I am a second-generation auto dealer. I have been in the industry for most of my life. I know it well.

As a non-word amendment will fix Senate language that puts unintentional new burdens on all rental car companies. My amendment will clarify the Senate language so it only applies to actual rental car companies, like it is supposed to.

The definition in the underlying bill, which the House never passed, is so broad that it sweeps up dealers who offer non-loaner vehicle rentals as a convenience for their customers. My amendment leaves the regulations on all rental car companies, which comprises 99 percent of the market, intact.

The Senate language is flawed because it simply is not tailored to small business. For example, under the bill, vehicles would be grounded for weeks or months for such minor compliance issues as an airbag warning sticker that might peel off the sun visor or an incorrect phone number printed in the owner's manual. The regulations in the bill are not proportionate.

Another problem is that this bill favors multinational rental car companies at the expense of small businesses. This bill will regulate a small-business dealer with a fleet of five loaner vehicles the same way it would regulate a massive rental car company with hundreds of thousands of vehicles in their fleet.

The bill even allows large rental car companies additional compliance time, which further disadvantages small businesses. Madam Chair, large businesses have regulatory and legal staffs available on-hand to help with this burden, and they have the capital to pay millions of dollars in regulatory compliance costs.

The average small-business owner, however, is his or her own legal and regulatory staff. Without my amendment, Mr. WILLIAMS, this bill would impose new government inspections, additional record-keeping requirements, and new penalties up to $15 million on small businesses.

The Senate bill also gives the National Highway Traffic Safety Admin-
Rent a car and auto dealers alike have a responsibility to their customers, and we have a responsibility to ensure that consumers' lives are not at risk. I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. WILLIAMS, Madam Chair. I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY), my good friend who is an auto dealer.

Mr. KELLY of Pennsylvania. I thank the gentleman.

Madam Chair, I am fascinated. I have been here for 5 years. That fact is that people who don't have any idea about how a business is run are constantly telling people how to run their business; they are people who don't have the foggiest idea of who auto dealers are or who our responsibility is to and the fact that all recalls are not cosmetic.

There is not a single person in our business that would ever put one of our own cars or a defective car or a car with a recall. But that could happen.

So if you are telling me that, because the phone number is printed in an owner's manual, that is a recall, we have to get that car off the road, my God, can you imagine what would happen? If an owner if they opened up that glove box and saw that? What a horrible situation to put them in. Now, you shake your heads and you say, no, that is not what is going on.

Now, please, this is what I do. This is who I am. We are a third-generation automobile business, sold thousands of cars. And these people are not just customers. They are a part of our extended families.

Now, we believe that, if we can redefine, if we can tell people: "This car has been recalled. You can't possibly get in it" and you say: "Well, what is the recall?" well, you know what? One pound per square inch on the tire pressure is not printed correctly. That is horrible. How could that possibly be? You have got to get that car off the road.

You are subjecting automobile dealers to the same things that you are subjecting rental car companies who don't have to worry about it because, by the way, as those cars come off the road in a recall, the factories pay them for those cars as they sit, waiting to be repaired. There is no loss of revenue for a rental car company. That is why they are so happy about it.

And what will they do with us when we take a car off the road? They will say: "Send your customer to us and we will 'rent' a car."

If you can't see the difference, if you can't see the unequal balance in it, then there is a problem here. If a safety recall is a safety recall, that is one thing. But if it is something else that is cosmetic, that is something altogether different. They lump them all under the same umbrella and say: "This is a problem. This is a problem hunting for some type of an issue and there is no issue here." There is none of us in our business that would ever put any of our owners in an unsafe car.

But I yield because I wish some of these ridiculous amendments would expire.

The Acting Chair. The time of the gentleman has expired.

Mr. WILLIAMS, Madam Chair. I yield myself the balance of my time.

Auto dealers, much like us here in Washington, D.C., have a reputation to uphold. No auto dealer in his right mind would loan a vehicle to his customers that is unsafe to drive or operate. Auto dealers should not have to ground all of their loaner vehicles because of minor issues like a sticker that might peel off the sun visor, because something was misprinted in the owner's manual. Auto dealers want to provide great service and be able to loan their customers vehicles so they can go to work while their kids are off school, go to the grocery store, and visit the doctor. These small business owners should not be regulated like huge, multinational car rental agencies.

I urge Members to support my amendment and protect small businesses.

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

The Acting Chair. The question is on the amendment offered by the gentleman from Texas (Mr. WILLIAMS).

The amendment was agreed to.

AMENDMENT NO. 132378 PRINTED IN PART B OF HOUSE REPORT 114-206

Mr. KINZINGER of Illinois. The Acting Chair. It is now in order to consider amendment No. 13 printed in part B of House Report 114-206.

Mr. KINZINGER of Illinois. Madam Chair, I have an amendment at the desk.

The Acting Chair. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subsection B of title XXXIV of division C, add the following:

SEC. 34.2IG. AVAILABILITY OF CERTAIN INFORMATION ON MOTOR VEHICLE EQUIPMENT.

Section 34.201 of title 49, United States Code, is amended by adding at the end the following:

"(a) Identification of defective or noncompliant parts.—(1) provision of information by suppliers.—A supplier of parts that are determined to be defective or noncompliant by the Secretary under subsection (a) or (b) shall identify all parts that are subject to the recall and provide to the Secretary and each affected manufacturer, not later than 3 business days after receiving notification of the determination, for each affected part—

"(A) all part names;

"(B) all part numbers; and

"(C) a description of the part.

"(2) provision of information by manufacturers.—Upon receipt of notification of a determination by the Secretary under subsection (a) or (b) or notification from a supplier of parts that are defective or noncompliant, a manufacturer of motor vehicles shall—

November 4, 2015

COE.WILLIAMS.000799

15-1202.0025

CONGRESSIONAL RECORD — HOUSE
EXHIBIT 8
From: "Zito, Vince" <Vince.Zito@mail.house.gov>  
Date: November 18, 2015 at 1:18:17 PM EST  
To: "Hale, Colby" <Colby.Hale@mail.house.gov>, "Freebairn, Spencer" <Spencer.Freebairn@mail.house.gov>, "Dillon, Sean" <Sean.Dillon@mail.house.gov>  
Subject: FW: Transportation bill amendment

We need to respond to this ethics question. I will have something to you all for review shortly.

From: Norman, Mike [mailto:  
Sent: Wednesday, November 18, 2015 1:15 PM  
To: Zito, Vince  
Subject: Transportation bill amendment

Vince,

Looking at the Center for Public Integrity story as published in the Texas Tribune, particularly this part near the end:

*Members use the House “Code of Conduct” in guiding their actions. One section appears to be relevant. A member can’t receive compensation “the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”*
The House ethics manual states that "whenever a member is considering taking any such action on a matter that may affect his or her personal financial interests," he or she should contact the House Ethics Committee for guidance.

It’s not clear whether Williams did that or not. A spokesman for the House Ethics Committee declined comment.

Does Rep. Williams agree that the ethics manual calls on him to contact the Ethics Committee before taking an action such as introducing his transportation bill amendment affecting car dealers who loan or rent vehicles subject to recall notices?

Did he consult the Ethics Committee on this?

--
Mike Norman
Editorial Director
Fort Worth Star-Telegram
817-390-
EXHIBIT 9
Roger Williams Response to Amendment Review

Nov 24, 2015

Press Release

This is why people are so tired of politics. A laughable "charge" has been brought on by an editor of a publication backed by billionaire liberal George Soros. For years, the so-called Center for Public Integrity has mounted countless attacks against Republicans under the false description as a "nonpartisan" "news organization" (and I use those quotations intentionally because this organization is neither).

The fact is that there is no ethics investigation against me. During public debate of the recently passed transportation bill on the floor of the United States House of Representatives, I offered a one word, technical amendment that would affect thousands of auto dealers industry-wide because today, not all automotive safety recalls are created equal. Dealers should not be forced to ground vehicles for a misprint or a peeled sticker.

That's it. Let's not forget that my technical amendment passed the House unanimously, which in the current state of Congress, can only mean that it was a glaringly commonsensical fix. Let me be clear that my amendment does not protect dealers from future lawsuits that could strip away their livelihoods.

I chose to apply some common sense to legislation that specifically intended to further over regulate small businesses and increase burdens on Main Street while they are still trying to survive in this Obama economy. As the piece correctly stated, I have extensive experience in actually running a business – that's something I am proud of and something most in Washington, D.C. know nothing about. It is precisely why the people of my district sent me to Washington.

Unless a Member is a career politician, like Hillary Clinton, they have probably had at least one prior job. Should those Members excuse themselves from engaging in debate that affects the industries or sectors they know best? In my opinion, absolutely not.

Are Members of Congress who are doctors engaged in conflicts of interest when they vote on Medicare, Medicaid or NIH funding? Are Members of Congress who are involved in real estate engaged in conflicts of interest when they vote on public housing or tax credits? What about CPAs in Congress who would be affected by tax reform? How about lawyers and tort reform?

My minor, technical amendment reined in the federal government. I remain committed to continuing to fight for my district, for my state and for all Americans against an administration that continues to choke small businesses.

This country has suffered immensely under Barack Obama's failed anti-growth policies. I will proudly stand on the courthouse square in any city in my district at high noon on any day of the week and
defend small businesses against this run-away federal government, run by career politicians and protected by a biased liberal media.

As for this "charge" from George Soros' organization? What a joke.

- Rep. Roger Williams

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