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1 {York Stenographic Services, Inc.}

2 RPTS ALDINGER

3 HIF191.170

4 MARKUP OF H.R. _____, TARGETING ROGUE AND OPAQUE LETTERS ACT
5 OF 2014;
6 H.R. 4013, LOW VOLUME MOTOR VEHICLE MANUFACTURERS ACT OF
7 2014;
8 AND H.R. 4450, TRAVEL PROMOTION, ENHANCEMENT AND
9 MODERNIZATION ACT OF 2014
10 THURSDAY, JULY 10, 2014
11 House of Representatives,
12 Subcommittee on Commerce, Manufacturing and Trade
13 Committee on Energy and Commerce
14 Washington, D.C.

15 The subcommittee met, pursuant to call, at 10:12 a.m.,
16 in Room 2123 of the Rayburn House Office Building, Hon. Lee
17 Terry [Chairman of the Subcommittee] presiding.

18 Members present: Representatives Terry, Lance,

19 Blackburn, Guthrie, Olson, McKinley, Kinzinger, Bilirakis,
20 Johnson, Long, Barton, Upton (ex officio), Schakowsky,
21 McNerney, Welch, Yarmuth, Dingell, Rush, Matheson, Barrow,
22 and Waxman (ex officio).

23 Staff present: Gary Andres, Staff Director; Charlotte
24 Baker, Deputy Communications Director; Mike Bloomquist,
25 General Counsel; Sean Bonyun, Communications Director; Matt
26 Bravo, Professional Staff Member; Leighton Brown, Press
27 Assistant; Melissa Froelich, Counsel, CMT; Sydne Harwick,
28 Legislative Clerk; Brittany Havens, Legislative Clerk; Kirby
29 Howard, Legislative Clerk; Peter Kielty, Deputy General
30 Counsel; Alexa Marrero, Deputy Staff Director; Paul Nagle,
31 Chief Counsel, CMT; Charlotte Savercool, Legislative
32 Coordinator; Shannon Weinberg Taylor, Counsel, CMT; Michelle
33 Ash, Democratic General Counsel; Phil Barnett, Democratic
34 Staff Director; Jen Berenholz, Democratic Chief Clerk; Lisa
35 Goldman, Democratic Counsel; Carol Kando-Pineda, Democratic
36 FTC Detailee; and Will Wallace, Democratic Professional Staff
37 Member.

|
38 H.R. _____

39 Mr. {Terry.} The subcommittee will come to order. At
40 the conclusion of yesterday's opening statements, the chair
41 called up the discussion draft of Targeting Rogue and Opaque
42 Letters, and the Bill was open for amendment at any point.
43 Are there any bipartisan amendments to this Bill? Are there
44 any other amendments to this Bill?

45 The chair--and the chair has an amendment, of which I am
46 offer--will offer and withdraw. The Bill currently requires
47 the sender of a demand letter to--do we have to hand out the
48 amendment?

49 The {Clerk.} Yeah.

50 {Voice.} The court clerk will--

51 Mr. {Terry.} The clerk will report the amendment. That
52 is what I was looking--

53 {Voice.} What amendment?

54 The {Clerk.} Which number is the amendment, sir?

55 Mr. {Terry.} It is PDL 301.

56 The {Clerk.} Amendment to the committee print offered
57 by Mr. Terry of Nebraska.

58 [The amendment of Mr. Terry follows:]

59 ***** INSERT 1 *****

|
60 Mr. {Terry.} Thank you. And I will recognize myself
61 for 5 minutes.

62 The Bill currently requires the sender of a Demand
63 Letter to identify the person asserting a patent right, and
64 also requires the identification of any parent entity or
65 ultimate parent entity of that person, unless the person
66 asserting the patent is a public company. The purpose is to
67 prevent one person or company from hiding behind hundreds of
68 shell companies in order to evade detection or to obscure
69 their pattern of deceitful behavior. The exception for
70 public companies is because their corporate structure,
71 meaning any parent companies, are already public and more
72 easily discovered.

73 The reality of large companies, however, is that they
74 may hold thousands of patents across a number of holding
75 companies or affiliates, and some of those holding companies
76 may not be public companies. In these cases, it is more
77 accurate to require the sender to identify a single affiliate
78 that is authorized to represent the patent rights holder,
79 rather than the parent company, because the parent company is
80 not always the rights-holding entity.

81 The amendment allows the sender of the letter to
82 identify either the person asserting the right or the

83 affiliate who is asserting the right on their behalf.
84 Additionally, the amendment will extend the exception to not
85 have the--to have to identify one's parent company if you are
86 a public company, because your corporate structure is already
87 public, but also allow you to omit the name of your parent
88 company if you are an affiliate of a public company whose
89 name is reasonably identifiable from your name. This
90 amendment is meant to accomplish the same purpose of
91 preventing a bad actor from hiding behind multiple shell
92 companies without confusing the recipient as to who holds the
93 patent rights. However, because the negotiations on how to
94 best effectuate this are going on, I offer and withdraw this
95 amendment as removed to full committee. We all, of course,
96 welcome any and all comments on this issue.

97 So anybody else--my--I yield back my time. Anybody else
98 care to discuss this amendment?

99 Ms. {Schakowsky.} Yes, thank you.

100 Mr. {Terry.} The gentlelady from Illinois is recognized
101 for 5 minutes.

102 Ms. {Schakowsky.} Thank you, Mr. Chairman. I just want
103 to say that I certainly agree with the concept of not
104 letting--not hiding behind a shell company, and the
105 disclosure, not sure that the amendment that you had got
106 there, I know it is withdrawn, but I am hoping that we will

107 be able to work between now and full committee, and I would
108 appreciate very much if you would work with me and the
109 minority to come up with an amendment that addresses this
110 particular issue.

111 And I yield back.

112 Mr. {Terry.} Thank you. And to answer your question,
113 of course, we would love to continue our discussions. We--it
114 started in a bipartisan manner, and we are going to continue
115 that until we get a Bill that we can markup in full
116 committee.

117 No further requests on this amendment. Unanimous
118 consent to withdraw the amendment. So ordered.

119 Clerk, I have an amendment at the desk; Terry 088.

120 The {Clerk.} Amendment to the committee print offered
121 by Mr. Terry of Nebraska.

122 [The amendment of Mr. Terry follows:]

123 ***** INSERT 2 *****

|
124 {Voice.} Dispense with the reading.

125 Mr. {Terry.} And without objection, dispense with the
126 reading, please distribute the amendment.

127 I will recognize myself for 5 minutes on this amendment.

128 This amendment--it is the first part of this amendment
129 strikes and replaces the affirmative defense language in the
130 draft. The language contained in the amendment reflects an
131 earlier agreement by the stakeholders. The language in the
132 underlying text was intended to achieve the same result as
133 that which is in the amendment. The language was changed
134 merely for grammatical purposes, but some stakeholders were
135 concerned that the language would limit the FTC. By striking
136 the phrase ``shall be sufficient'', and replacing it with the
137 phrase ``which may be demonstrated by'', we clarified that
138 the FTC may look at the totality of the--a sender's letters
139 and determine whether their usual course of business is to
140 send non-violative letters, and may also look at other
141 factors.

142 The second part of this amendment is really more of a
143 technical amendment. The Vermont AG has offered thoughtful
144 comments at both of our hearings, and as a result, there are
145 a number of changes in the base text from the first draft we
146 released earlier this year. One of the changes the Vermont

147 AG requested was they--was to be able to get civil penalties,
148 as opposed to compensatory damages. We thought this was a
149 reasonable request. This amendment drops the unnecessary
150 phrase ``on behalf of recipients who suffered actual damages
151 as a result of such violation'' in that civil penalty section
152 as suggested by the Vermont AG.

153 Now, I yield back the rest of my time. Does anybody
154 else want--wish to claim time in opposition or discussion?

155 Mr. Waxman, you are recognized for--

156 Mr. {Waxman.} Thank you, Mr. Chairman. I appreciate
157 the effort through this amendment to clarify the state civil
158 penalties portion of the Bill. I would support that portion
159 of the amendment, but the proposed change to the affirmative
160 defense is--remains still very problematic, as are a number
161 of other provisions in this Bill.

162 The Bill contains a number of safeguards for patent-
163 holders that send legitimate patent assertion letters,
164 including requirements that the sender has engaged in a
165 pattern or practice of violating the statute, and that the
166 sender has sent the letters with knowledge that the
167 representation made were false or misleading, but the
168 affirmative defense in this Bill, even as modified by this
169 amendment, says that because a center--sender hasn't violated
170 the statute before, it couldn't be violating the statute now,

171 even where all the evidence points to the contrary. In this
172 way, the affirmative defense creates a loophole that could
173 eviscerate the rest of the Bill.

174 Even if this amendment deleted the affirmative defense,
175 other provisions of the Bill not addressed by the amendment
176 continue to raise serious concerns. The bad faith element is
177 a stark deviation from consumer protection law. Under its
178 traditional authority, the FTC can obtain an injunction
179 without proving any element of knowledge. To obtain an
180 injunction under the Bill for the enumerated bad acts and
181 practice, the FTC would have to prove that the violation
182 occurred, and that the sender knew its conduct was deceptive.
183 This requirement makes enforcement much more difficult than
184 current law. Also FTC staff has stated very clearly that the
185 bad faith element makes all disclosure requirements
186 effectively unenforceable.

187 This Bill also severely constrains the state's ability
188 to combat deceptive demand letters by preempting a number of
189 state laws as well as state common law that address these
190 letters. Moreover, the state's ability to enforce this
191 statute is limited by the arbitrary cap on civil penalties
192 that can be collected by all states for violations of this
193 statute, and the link between civil penalties and actual
194 damages suffered by recipients. These are major problems

195 that make the Bill, as I see it, unworkable, and I would urge
196 my colleagues to vote against this Bill.

197 And I yield back--I yield my time to Mr. McNerney.

198 Mr. {McNerney.} Well, thank you. I want to thank the
199 chairman for his work, especially in a bipartisan way, to put
200 this forward. It is an important issue. I am a patent-
201 holder; I want to make sure that my rights are protected, as
202 well as making sure that the law doesn't adversely affect
203 innovation in this country.

204 But as I have seen, the AG in Vermont had a number of
205 specific changes. The--Oregon also had a number of specific
206 changes. I don't think we are ready to put this Bill
207 forward, so I--again, I thank the chairman. I look forward
208 to working on a bipartisan way to make this Bill better to
209 put forward to the committee.

210 And I yield back.

211 Mr. {Waxman.} You want my time or you want your own?

212 Mr. {McNerney.} My own. I am sorry.

213 Mr. {Waxman.} Okay. Yield back my time.

214 Mr. {Terry.} Very good. Anyone on this side requests
215 time on this amendment?

216 Gentlelady from Illinois is recognized for 5 minutes.

217 Ms. {Schakowsky.} Thank you, Mr. Chairman.

218 While I am not going to oppose this amendment, it does

219 not really begin to adequately fix the Bill. Even with this
220 amendment, the affirmative defense provision, as stated by
221 Mr. Waxman, would allow a bad actor to avoid liability simply
222 because he didn't have a history of sending deceptive
223 letters. The amendment doesn't even specify that the letters
224 have to relate to patent assertion. If an entity has a
225 history of sending any letters that do not violate the
226 provisions of this Bill, the entity could avoid liability for
227 even the most egregious patent demand letters. The amendment
228 would also strike the important language from the Bill,
229 specifying that State Attorneys General can obtain civil
230 penalties on behalf of their citizens who receive demand
231 letters that violate this Act.

232 Beyond the failure to adequately address the affirmative
233 defense position--provision, the--this amendment also does
234 not address other problematic aspects of the Bill. It
235 doesn't fix the Bill's preemption of more protective state
236 laws, it doesn't address the bad faith definition that would
237 require the FTC to determine the intention of the bad actor
238 in order to provide relief to small businesses and
239 entrepreneurs, again, as Mr. Waxman stated, and this Bill
240 does not address all the deceptive conduct we have already
241 seen in patent demand letters. For example, I received a
242 copy of a letter sent to a bank asserting infringement of a

243 patent portfolio covering ATM's. The letter provided no
244 information about the patent portfolio or the alleged
245 infringement, other than to say that the bank ``has at least
246 one ATM.'' The letter made a ``special, one-time, limited
247 offer'' to license the patent for \$2,000 per ATM, which must
248 be accepted within 14 days of the date of the letter. Later,
249 the bank received another letter, increasing the cost to
250 license the patent to \$5,000 per ATM. The letters gave an
251 unreasonable deadline for response to its ``special, one-
252 time, limited offer.'' They also demanded a licensing fee
253 without any basis for the amount demanded, and that
254 arbitrarily increased the fee. By any reasonable standard,
255 those letters are unfair or deceptive, but are not prohibited
256 by this Bill.

257 Finally, I would like to comment on recent Press reports
258 and statements made about how the latest draft of this Bill
259 was crafted. It has been suggested that any concern raised--
260 concerns raised were either last-minute or surprising. While
261 the majority did seek to bring some stakeholders together
262 over the last month, the minority staff continually raised
263 concerns that several relevant stakeholders were not part of
264 those conversations, and did not have access to the draft
265 language. In addition, general concerns of state and federal
266 enforcers were shared throughout the process, and specific

267 concerns were raised as soon as those stakeholders were able
268 to see the actual language.

269 In closing, while I will not oppose this amendment, I
270 continue to oppose the Bill. As I said yesterday in my
271 opening statement, I hope, and I sincerely mean that, that
272 language can be crafted that actually addresses the problem
273 that this committee has now been considering for quite a
274 while, ever since the issue was brought before the Oversight
275 Committee last December.

276 I look forward to working with the chairman and the
277 majority in the coming week. And I yield back.

278 Mr. {Terry.} Thank you. Gentlelady yields back her
279 time.

280 Any--anyone on the Republican side, the majority side?
281 So the gentleman from Vermont is recognized for 5 minutes.

282 Mr. {Welch.} Mr.--thank you very much, Mr. Chairman.

283 I want to thank you and Chairman Upton. We have had a
284 good thing going on this patent TROL situation. And just a
285 little context, because a lot of us have reservations about
286 this particular thing, but a little context. As a result of
287 the work of this committee, the House of Representatives
288 passed a very good patent TROL Bill with a vote of 325 to 91,
289 and that was a product of a lot of hard work by a lot of
290 people on both sides of the aisle. Unfortunately, that

291 stalled in the Senate, and it has been taken off the Senate
292 calendar, but that is really the touchstone for me of a
293 comprehensive approach to give relief to the folks in your
294 district and mine who are getting hammered with this rip-off
295 patent TROL situation.

296 The recent--unfortunately though, I can't support this,
297 but do appreciate the effort going forward.

298 By the way, I want to say another thing. There were 8
299 stakeholder meetings, and we were at them. You know,
300 everybody is not at them, but I really did regard them as a
301 very serious effort to try to get the stakeholders to reach
302 an agreement. But the problem that I have going forward is--
303 because I checked with my folks in Vermont, as we would all
304 do, and Vermont has been out in the lead. This Jerry Tarrant
305 who has a company that has done very well, has been hammered
306 repeatedly with this, and he doesn't see this as providing
307 any relief. And that is particularly true in Vermont because
308 we have an active Attorney General, and we have an active
309 legislature that has put forward protections that would be
310 greater than what exist in this particular legislation. So
311 the preemption issue here would actually take away some tools
312 that Vermont has developed. So obviously, from my
313 perspective, that is not a good thing.

314 And that goes, by the way, for the My WebMD, which is

315 Jerry Tarrant's company, and Lincoln Street, which is a small
316 nonprofit that helps kids with disabilities. The 2 issues in
317 here that RAG pointed out; the bad faith and increased
318 knowledge, as others have reported, is an issue because it
319 makes it very difficult to prove it, and it makes it so
320 difficult to prove that other responsible people who have
321 been involved in this don't see this as really enforceable.

322 The other issue is the affirmative defense position
323 really creates an impossibility when it goes to court. So
324 the preemption of the affirmative defense and the bad faith
325 all actually, from the way I see it, weaken what we did as a
326 House of Representatives when we passed the overall Patent
327 TROL Bill.

328 You know, one of the difficulties here is there really
329 are competing interests. Some of our larger companies that
330 are legitimate players want to protect their patents, as they
331 should, but the smaller folks are getting ripped off, and how
332 do we protect them without encroaching on legitimate patent
333 rights, and that was the effort that was made in some of
334 these stakeholder meetings, but I don't think it got finally
335 worked out.

336 One of the other apprehensions I have, and this is a
337 judgment call, is that if we pass this, there are a lot of
338 folks who are out there that are opposing the legislation

339 that we passed in the House by that big overwhelming vote,
340 and the passage of this is going to become an excuse for the
341 Senate not to act on what is a comprehensive Bill that was a
342 bipartisan-strong vote passed by the House of
343 Representatives. So let us try to keep working on this, but
344 those are the problems that I see as undercutting the
345 progress that we made already with the legislation the House
346 of Representative passed.

347 So I yield back.

348 Mr. {Terry.} Gentleman yields back his time.

349 Any other requests? There are no other requests for
350 time on this amendment, and I ask unanimous consent to
351 withdraw the amendment. I am sorry. If there is no further
352 discussion, the--although--sorry, I was misinformed. If the--
353 --there is no further discussion, the vote occurs on the
354 amendment.

355 All those in favor, say aye.

356 All those opposed, say no.

357 In the opinion of the chair, the noes have it. The
358 ayes. Geez.

359 {Voice.} The ayes.

360 Mr. {Terry.} I heard 2 noes in the whole bunch.
361 Coffee, and obviously not enough.

362 The ayes have it, and the amendment is agreed to.

363 Are there any other amendments? So hearing no other
364 amendments, the question now occurs on forwarding the
365 discussion draft to the full committee as amended.

366 All those in favor, say aye.

367 All those opposed, say no.

368 In the opinion of--

369 Ms. {Schakowsky.} I would like a roll call vote.

370 Mr. {Terry.} We will go right to the roll call. The
371 clerk will call the roll.

372 The {Clerk.} Mr. Lance.

373 Mr. {Lance.} Aye.

374 The {Clerk.} Mr. Lance votes aye.

375 Mrs. Blackburn.

376 [No response.]

377 The {Clerk.} Mr. Harper.

378 Mr. {Harper.} Aye.

379 The {Clerk.} Mr. Harper votes aye.

380 Mr. Guthrie.

381 Mr. {Guthrie.} Aye.

382 The {Clerk.} Mr. Guthrie votes aye.

383 Mr. Olson.

384 Mr. {Olson.} Aye.

385 The {Clerk.} Mr. Olson votes aye.

386 Mr. McKinley.

387 Mr. {McKinley.} Aye.
388 The {Clerk.} Mr. McKinley votes aye.
389 Mr. Pompeo.
390 [No response.]
391 The {Clerk.} Mr. Kinzinger.
392 [No response.]
393 The {Clerk.} Mr. Bilirakis.
394 Mr. {Bilirakis.} Aye.
395 The {Clerk.} Mr. Bilirakis votes aye.
396 Mr. Johnson.
397 Mr. {Johnson.} Aye.
398 The {Clerk.} Mr. Johnson votes aye.
399 Mr. Long.
400 Mr. {Long.} Aye.
401 The {Clerk.} Mr. Long votes aye.
402 Mr. Barton.
403 [No response.]
404 The {Clerk.} Mr. Upton.
405 The {Chairman.} Aye.
406 The {Clerk.} Mr. Upton votes aye.
407 Ms. Schakowsky.
408 Ms. {Schakowsky.} No.
409 The {Clerk.} Ms. Schakowsky votes no.
410 Mr. Sarbanes.

411 [No response.]
412 The {Clerk.} Mr. McNerney.
413 Mr. {McNerney.} No.
414 The {Clerk.} Mr. McNerney votes no.
415 Mr. Welch.
416 Mr. {Welch.} No.
417 The {Clerk.} Mr. Welch votes no.
418 Mr. Yarmuth.
419 Mr. {Yarmuth.} No.
420 The {Clerk.} Mr. Yarmuth votes no.
421 Mr. Dingell.
422 Mr. {Dingell.} No.
423 The {Clerk.} Mr. Dingell votes no.
424 Mr. Rush.
425 [No response.]
426 The {Clerk.} Mr. Matheson.
427 Mr. {Matheson.} Aye.
428 The {Clerk.} Mr. Matheson votes aye.
429 Mr. Barrow.
430 Mr. {Barrow.} Aye.
431 The {Clerk.} Mr. Barrow votes aye.
432 Mrs. Christensen.
433 [No response.]
434 The {Clerk.} Mr. Waxman.

435 Mr. {Waxman.} No.
436 The {Clerk.} Mr. Waxman votes no.
437 Chairman Terry.
438 Mr. {Terry.} Aye.
439 The {Clerk.} Chairman Terry votes aye.
440 Mrs. Blackburn.
441 Mrs. {Blackburn.} Aye.
442 The {Clerk.} Mrs. Blackburn votes aye.
443 Mr. {Terry.} The clerk will report the results.
444 The {Clerk.} Mr. Chairman, on that vote there were 13
445 ayes and 16 nays.
446 Mr. {Terry.} The ayes have it, and the Bill is agreed
447 to.
448 {Voice.} She said there were 16 nays. What was the--
449 Mr. {Terry.} The clerk will--
450 The {Clerk.} My apologies, 13 ayes, 6 nays.
451 Mr. {Terry.} Thirteen ayes, 6 nays. The ayes have it,
452 and the Bill is agreed to. All right. The Carr Bill.

|
453 H.R. 4013

454 Mr. {Terry.} The chair calls up 4013--H.R. 4013, and
455 asks the clerk to report.

456 The {Clerk.} H.R. 4013, to direct the National Highway
457 Traffic Safety Administration to establish a program allowing
458 low volume motor vehicle manufacturers to produce a limited
459 number of vehicles annually within a regulatory system that
460 addresses the unique safety and financial issues associated
461 with limited production, and to direct the Environmental
462 Protection Agency to allow low volume motor vehicle
463 manufacturers to install engines from vehicles that have been
464 issued certificates of conformity.

465 [H.R. 4013 follows:]

466 ***** INSERT 3 *****

|
467 Mr. {Terry.} Without objection, first reading of the
468 Bill is dispensed with, and the Bill will be open for
469 amendment at any point. So ordered.

470 The chair recognizes himself to offer an amendment in
471 the nature of a substitute, and the clerk will report the
472 amendment.

473 The {Clerk.} Amendment in the nature of a substitute to
474 H. R. 4013, offered by Mr. Terry of Nebraska.

475 [The amendment of Mr. Terry follows:]

476 ***** COMMITTEE INSERT *****

|
477 Mr. {Terry.} Without objection, the reading of the
478 amendment is dispensed with, and I will recognize myself for
479 5 minutes in support of the amendment.

480 The original intent of the legislation was to enable
481 small automakers to provide a limited number of specialty
482 vehicles, both replica and non-replica vehicles, to customers
483 nationwide. Replica vehicles resemble cars older than 25
484 years, while non-replica would cover newer vehicles such as
485 sports cars.

486 With this amendment, the legislation now only applies to
487 replica cars. As noted, these are motor vehicles produced in
488 small numbers, and intended to resemble vehicles from
489 previous generations. Replica 1932 Fords and 1965 Cobras are
490 perhaps the best example of these cars. These are collector
491 cars that are primarily used in exhibitions, parades, and for
492 occasional transportation.

493 As the Nation's stock of original classic cars has
494 dwindled, the desire by hobbyists to own such historic
495 vehicles has grown. The National Highway Traffic Safety
496 Administration has one safety regime for regulating motor
497 vehicle manufacturers that treats all companies alike,
498 whether they are produced by the millions of cars or just 5.
499 This legislation would establish an alternative regime for

500 specialty automakers. It would allow--would hold low
501 production manufacturers of collector cars to NHTSA equipment
502 standards; lighting, brakes, tires, for example, while
503 exempting them from vehicle-based standards. The companies
504 would register with NHTSA and annually report their
505 production levels. They would also subject NHTSA to
506 oversight, and the vehicles would be subject to recalls and
507 remedies.

508 Unlike their predecessors, the replica vehicles would be
509 clean cars. They would meet current model year emission
510 requirements for the U.S. and Environmental Protection
511 Agency, and California Air Resource Board, including
512 installation of onboard diagnostic systems. The vehicles
513 would also be covered by engine emission warranties.

514 Mr. {Terry.} That concludes my statement, and I yield
515 back my time.

516 Are there any other people seeking--the gentlelady from
517 Illinois is recognized for 5 minutes.

518 Ms. {Schakowsky.} Thank you, Mr. Chairman.

519 This amendment makes a number of changes to the
520 introduced version of the Bill. Some improve the text,
521 others may not. While I do not intend to oppose this
522 amendment, it shows once again why this legislation should
523 have gone through regular order. For example, this amendment

524 deletes language requiring recall notifications, at the same
525 time as including provisions limiting liability. Without a
526 proper hearing or two, or at least time to explore the issue
527 with relevant stakeholders and clarify the matter, one could
528 conclude that if these replica cars are in an accident, the
529 injured passengers and other motorists could be without
530 recourse.

531 Another question is why these replica companies have not
532 tried to use the existing NHTSA and EPA waiver processes.
533 These existing mechanisms do work. In fact, just this week
534 NHTSA issued a final rule allowing a regulatory exemption for
535 certain cars that have been modified for disabled drivers, to
536 prevent people from being ejected during rollovers. These
537 replica companies may not get all that they seek in waivers,
538 but through hearings, we could explore why they have not at
539 least tried to go that route.

540 This amendment also does not address how this Bill
541 interacts with state law. Several states placed very
542 responsible restrictions on replica vehicles. It is unclear
543 why similar restrictions are not included in the Bill, and
544 what effect this Bill would have on state protections. For
545 example, Delaware's law states that these vehicles shall only
546 be used for participation in club activities, exhibits,
547 tours, parades, or similar uses. In no event are they to be

548 used for general transportation, or to be--or to drive in
549 excess of 1,000 miles per year. Oregon has a similar law
550 limiting use to events like exhibits and parades.

551 There are a number of additional questions that I feel
552 should be answered before ever considering this Bill. Some
553 of those include, how many of these vehicles without safety
554 protections will be on the roads? Each low volume
555 manufacturer is limited to 1,000 vehicles, but there are no
556 limits on the number of manufacturers.

557 Another question. Will any of these cars have airbags?
558 What about seatbelts or other alternative safety systems? If
559 not, should passengers, including children, be permitted in
560 these cars? Can NHTSA realistically review all requests in
561 60 days? If not, should the requests be automatically
562 approved? What happens if there is an accident? A replica
563 and a modern car collide. Who bears the liability? Are we
564 going to allow replica manufacturers to be considered like
565 the new GM? What additional pollution burden will these cars
566 add? The Bill exempts them from state inspection and
567 emission controls that are in place to protect our air.

568 I could never vote to support a Bill with so many
569 unknowns, especially when the public health, environment, and
570 driver, passenger and pedestrian safety are on the line.

571 And I yield back.

572 Mr. {Terry.} Anyone else seek recognition on the base
573 amendment?

574 Mr. {Waxman.} Well, Mr.--

575 Mr. {Terry.} All right.

576 Mr. {Waxman.} Mr. Chairman, I--

577 Mr. {Terry.} Mr. Waxman is recognized.

578 Mr. {Waxman.} I want to be recognized to strike the
579 last word. And this--

580 Mr. {Terry.} Gentleman strikes the last word. You are
581 recognized--

582 Mr. {Waxman.} These--

583 Mr. {Terry.} --for 5 minutes.

584 Mr. {Waxman.} These concerns that I want to express are
585 not directed just to this amendment but to the Bill itself.
586 I understand that there have been changes in this amendment
587 that have been worked out with the automobile industry, and
588 the Bill would only exempt replica cars from important safety
589 and environmental standards, and no longer exempt non-replica
590 cars from those standards. Well, that is a good thing.
591 However, among its other provisions, this amendment deletes
592 Bill language requiring the replica manufacturers to be
593 responsible for recalls and other required notifications
594 regarding defects. It also includes language ensuring that
595 an original automobile manufacturer will never be liable

596 under any law because that original manufacturer gave the
597 replica manufacturer the design and/or rights to build its
598 replica. That is not a good thing.

599 Perhaps more concerning, this amendment does not address
600 the fundamental problems with the underlying Bill. It does
601 nothing to ensure that we do not have thousands of unsafe and
602 polluting cars on our roads. As I mentioned yesterday during
603 my opening statement, vehicle safety has improved
604 dramatically over the last 50 years. I would like to show a
605 video of what happens when a car meeting 1959 vehicle safety
606 standards collides with a modern 2009 vehicle. Could we, as
607 we say, run the video?

608 [Video shown.]

609 Mr. {Waxman.} This back-to-the-future video indicates
610 that in the 1959 car, the windshield is gone. The front end
611 is totally crumpled, and the driver dies . In the modern
612 car, the windshield stays in place, the front end absorbs and
613 diffuses the crash force, and the driver breaks his leg.

614 I will not oppose this amendment, but let us not allow
615 this huge step backwards for auto safety to occur, and I urge
616 a no vote on final passage of the Bill.

617 Mr. {Waxman.} I yield back the balance of my time.

618 Mr. {Terry.} Thank you. And while discussion is still
619 occurring on the base amendment, I know, Fred, you--

620 The {Chairman.} I think Mr. Barrow is going to go next,
621 then I am going to--

622 Mr. {Terry.} Yes.

623 The {Chairman.} --offer an amendment to the--

624 Mr. {Terry.} Perfect, we are all on the same page.

625 Mr. Barrow, you are recognized for 5 minutes.

626 Mr. {Barrow.} Move to strike the last word, Mr.
627 Chairman.

628 Mr. {Terry.} You are recognized for 5 minutes.

629 Mr. {Barrow.} Thank you, Mr. Chairman.

630 I have been a cosponsor of this Bill for a couple of
631 Congresses now because I think it will be a job stimulator,
632 and because I think it will facilitate the pursuit of
633 happiness for hundreds of car enthusiasts.

634 {Voice.} Could you speak up, please?

635 Mr. {Barrow.} Sure. Because I think hundreds of car
636 enthusiasts and tinkers around the country will--are going to
637 enjoy the benefits of this law.

638 I admit to having mixed emotions when I learned of the
639 markup earlier this week.

640 {Voice.} Is your mic on?

641 Mr. {Barrow.} Yes, it is. Is this better? Of course,
642 I think this is a worthy Bill, and I am happy to have a
643 chance to move forward, but I hope that moving outside the

644 bounds of regular order doesn't spoil our chance to build a
645 bipartisan coalition that can carry this Bill all the way to
646 law. I plan to support it in any way case.

647 Today, a car enthusiast can go to a low volume
648 manufacturer and buy a replica car that is fully assembled
649 except for the engine. The car enthusiast can then install
650 an engine himself. These cars are replicas of old cars, so
651 by definition, they often don't meet modern day safety
652 standards for crumple zones and bumper safety, but the
653 consumer is well aware of that, NHTSA allows it, and it
654 happens every week around the country. This Bill would
655 simply allow the low volume manufacturer to install the
656 engine for the consumer.

657 I believe the people who are interested in owning these
658 cars are already getting their hands-on and driving around as
659 we speak, and I don't believe that allowing the vehicle
660 manufacturer to install engines in these bodies is going to
661 result in a huge increase in unsafe cars on the road, as
662 someone has suggested. On the other hand, I think it is just
663 as plausible to having the vehicle manufacturer install the
664 engine instead of the owner in his home garage, might result
665 in a net safety increase. In any case, this business is--
666 this Bill is pro-business, it is a very small market, and the
667 Bill preserves that principle.

668 I appreciate my colleagues' consideration. I yield
669 back.

670 Mr. {Terry.} Gentleman yields back. Anyone else on the
671 base? Seeing none--

672 The {Chairman.} Mr. Chairman.

673 Mr. {Terry.} Yes. The gentleman--

674 The {Chairman.} I have an amendment to the--amendment
675 in the nature of a substitute.

676 Mr. {Terry.} For--

677 The {Clerk.} Which number is the amendment?

678 The {Chairman.} I don't know which one it is. It is--
679 it reduces the number from 1,000 to 500.

680 The {Clerk.} Amendment--

681 Mr. {Terry.} The clerk will report.

682 The {Clerk.} Amendment to the amendment in the nature
683 of a substitute to H.R. 4013, offered by Mr. Upton of
684 Michigan.

685 [The amendment of Mr. Upton follows:]

686 ***** INSERT 4 *****

|
687 Mr. {Terry.} Gentleman is recognized for 5 minutes to--
688 on his amendment.

689 The {Chairman.} Yeah, Mr. Chairman, what this amendment
690 does is, we listened to some of the concerns, this is a niche
691 market, let us face it. These cars are not used for regular
692 transportation, ferrying kids to school, going back and forth
693 to work. Often, they are in parades, they are in auto shows,
694 they are things of beauty, they are old cars, and it is
695 remarkable to see these at auto shows across the country.

696 What my amendment to the amendment in the nature of a
697 substitute does is it reduces from 1,000 vehicles per year to
698 500, and so it really, really makes it much more of a niche
699 market than it is perhaps a larger one. It reduces the
700 number of vehicles. It is pretty straightforward, and I
701 would like to think that we could accept this amendment, and
702 then move forward with the amendment in the nature of a
703 substitute, and would ask my colleagues to support the
704 reduction from 1,000 vehicles to 500--

705 Mr. {Terry.} Very good.

706 The {Chairman.} --per year. And I yield back.

707 Mr. {Terry.} Full committee chairman yields back.

708 Is there any other further--the gentleman from
709 California for what purpose?

710 Mr. {Waxman.} Strike the last word.

711 Mr. {Terry.} Gentleman is recognized for 5 minutes.

712 Mr. {Waxman.} I would be in favor of reducing the
713 number of vehicles that could be subject to the proposed
714 safety exemption. That is what this amendment would do.
715 That is a good first step, addressing the issues with this
716 Bill, but it is only a small step. It makes a terrible Bill
717 just a little less terrible. We shouldn't be compromising,
718 in my view, vehicle safety and the environment so lightly,
719 and with so many questions still lingering.

720 The amendment, by the way, strikes 1,000 and inserts
721 500.

722 On top of everything, I would like to point out or
723 reiterate that under this Bill, many crucial air pollution
724 standards would no longer apply. These include tailpipe
725 standards for pollution from vehicles that produce smog and
726 soot. This pollution harms heart and lung functions, leading
727 to bronchitis, asthma attacks, strokes, heart attacks and
728 premature death, but it also includes greenhouse gas limits
729 and fuel economy requirements for vehicles. Moreover, they
730 include state and local requirements to periodically check
731 that pollution control equipment is functioning, termed
732 inspection and maintenance programs. Without these programs,
733 tune-ups that may be required, pollution control equipment

734 won't necessarily continue to work over the life of the
735 vehicle.

736 I won't oppose this amendment. It is a step in the
737 right direction, but it still does not satisfy me.

738 And I would be happy to yield my time to Ms. Schakowsky.

739 Ms. {Schakowsky.} Thank you, Mr. Waxman.

740 I look positively as well on this amendment which lowers
741 the number of vehicles that may be produced, without meeting
742 NHTSA vehicle safety standards under the proposed exemption,
743 and as you said, I believe it is a step in the right
744 direction because it would put fewer unsafe cars on the road
745 than the Bill otherwise would, but it--as you said, it would
746 also not do anything to further reduce the number of vehicles
747 that can be produced without meeting clean air standards.

748 This is a small fix to just one of the Bill's problems.
749 Even with the reduction, we will still end up with thousands
750 of vehicles on the roads that aren't meeting up-to-date
751 safety standards. This amendment merely diverts attention
752 from the bigger issue.

753 H.R. 4013 is a flawed Bill that puts the interest of a
754 class of vehicle owners above the safety of our roads and the
755 quality of our air.

756 I will--neither will I oppose this amendment, but I will
757 oppose the Bill.

758 Mr. {Waxman.} Reclaiming my time, I just want to point
759 out that this amendment sounds so reasonable. You take 1,000
760 and you say 500. Why are we complaining about 500 vehicles?
761 Well, that is 500 vehicles per manufacturer, and there is no
762 limit to the number of manufacturers. We are going to
763 encourage more manufacturers because they want to get more of
764 these vehicles out. And that is for the safety standard, but
765 the emission standards could be--I think it is 5,000 cars per
766 manufacturer. So there can be a lot more manufacturers for
767 those cars that will violate the emission standards.

768 I know we want to encourage hobbyists, I know we want to
769 encourage the ability of people to do what they want to do.
770 Well, but it is not just them. We are going to have to pay--
771 they are not necessarily the only ones that are going to get
772 hurt in a car crash, and we are going to have to pay for the
773 consequences often of the car crash, even if it is they who
774 suffer from it, and they are not the--necessarily the only
775 ones in the car who will be hurt. So I still want to point
776 that out that the Bill is--underlying Bill is, in my view,
777 not ready for me to support, and I would urge a no vote on
778 the Bill.

779 Yield back my time.

780 Mr. {Terry.} Gentleman yields back his time.

781 Any others on the majority side wishing to seek

782 recognition? Seeing none, any on the Democratic side?
783 Minority? Seeing none, I will call a vote on the Upton
784 secondary amendment.

785 All those in favor, say aye.

786 All those opposed, say no.

787 In the opinion of the chair, the ayes have it, and the
788 amendment is adopted.

789 Now, if there is no further secondary amendments, the
790 vote occurs on the amendment in the nature of a substitute as
791 amended.

792 All those in favor--

793 {Voice.} Is this final passage?

794 Mr. {Terry.} No, this is just on the substitute.

795 All those in favor shall signify by saying aye.

796 All those opposed, no.

797 Ms. {Schakowsky.} No, and I would like a recorded vote.
798 I am sorry.

799 Mr. {Terry.} On the substitute? Okay. So in the
800 opinion of the chair, the ayes have it on the nature of a
801 substitute amendment.

802 Now, on the Bill as amended, the request has already
803 been made for a roll call vote so we will just bypass and go
804 straight to a roll call vote on the Bill as amended.

805 The clerk will call the roll.

806 The {Clerk.} Mr. Lance.
807 Mr. {Lance.} Aye.
808 The {Clerk.} Mr. Lance votes aye.
809 Mrs. Blackburn.
810 Mrs. {Blackburn.} Aye.
811 The {Clerk.} Mrs. Blackburn votes aye.
812 Mr. Harper.
813 Mr. {Harper.} Aye.
814 The {Clerk.} Mr. Harper votes aye.
815 Mr. Guthrie.
816 Mr. {Guthrie.} Aye.
817 The {Clerk.} Mr. Guthrie votes aye.
818 Mr. Olson.
819 Mr. {Olson.} Aye.
820 The {Clerk.} Mr. Olson votes aye.
821 Mr. McKinley.
822 Mr. {McKinley.} Aye.
823 The {Clerk.} Mr. McKinley votes aye.
824 Mr. Pompeo. Mr. Kinzinger.
825 Mr. {Kinzinger.} Aye.
826 The {Clerk.} Mr. Kinzinger votes aye.
827 Mr. Bilirakis.
828 Mr. {Bilirakis.} Aye.
829 The {Clerk.} Mr. Bilirakis votes aye.

830 Mr. Johnson.

831 Mr. {Johnson.} Aye.

832 The {Clerk.} Mr. Johnson votes aye.

833 Mr. Long.

834 Mr. {Long.} Aye.

835 The {Clerk.} Mr. Long votes aye.

836 Mr. Barton.

837 Mr. {Barton.} Aye.

838 The {Clerk.} Mr. Barton votes aye.

839 Mr. Upton.

840 The {Chairman.} Aye.

841 The {Clerk.} Mr. Upton votes aye.

842 Ms. Schakowsky.

843 Ms. {Schakowsky.} No.

844 The {Clerk.} Ms. Schakowsky votes no.

845 Mr. Sarbanes.

846 [No response.]

847 The {Clerk.} Mr. McNerney.

848 Mr. {McNerney.} Aye.

849 The {Clerk.} Mr. McNerney votes aye.

850 Mr. Welch.

851 Mr. {Welch.} No.

852 The {Clerk.} Mr. Welch votes no.

853 Mr. Yarmuth.

854 Mr. {Yarmuth.} No.

855 The {Clerk.} Mr. Yarmuth votes no.

856 Mr. Dingell.

857 Mr. {Dingell.} Mr. Dingell votes no.

858 The {Clerk.} Mr. Dingell votes no.

859 Mr. Rush.

860 [No response.]

861 The {Clerk.} Mr. Matheson.

862 Mr. {Matheson.} No.

863 The {Clerk.} Mr. Matheson votes no.

864 Mr. Barrow.

865 Mr. {Barrow.} Aye.

866 The {Clerk.} Mr. Barrow votes aye.

867 Mrs. Christensen.

868 [No response.]

869 The {Clerk.} Mr. Waxman.

870 Mr. {Waxman.} No.

871 The {Clerk.} Mr. Waxman votes no.

872 Chairman Terry.

873 Mr. {Terry.} Yes.

874 The {Clerk.} Chairman Terry votes aye.

875 Mr. Chairman, on that vote there were 15 ayes and 6

876 nays.

|

877 H.R. 4450

878 Mr. {Terry.} The chair calls up H.R. 4450, and asks the
879 clerk to report.

880 The {Clerk.} H. R. 4450, to extend the Travel Promotion
881 Act of 2009, and for other purposes.

882 [H.R. 4450 follows:]

883 ***** INSERT 5 *****

|
884 Mr. {Terry.} Without objection, the first reading of
885 the Bill is dispensed with, and the bill will be open for
886 amendment at any point. So ordered.

887 Are there any bipartisan amendments to the Bill?

888 Mr. {Bilirakis.} Mr. Chairman, I have an amendment at
889 the desk.

890 Mr. {Terry.} The gentleman--is it a bipartisan
891 amendment?

892 Mr. {Bilirakis.} It is a bipartisan amendment.

893 Mr. {Terry.} Therefore, the clerk will report the
894 amendment.

895 The {Clerk.} Amendment to H. R. 4450, offered by Mr.
896 Bilirakis of Florida.

897 [The amendment of Mr. Bilirakis follows:]

898 ***** INSERT 6 *****

|
899 Mr. {Bilirakis.} Thank you.

900 Mr. {Terry.} The reading will be dispensed with--

901 Mr. {Bilirakis.} Mr. Chairman, on behalf of--

902 Mr. {Terry.} --and the amendment--

903 Mr. {Bilirakis.} Go ahead and review.

904 Mr. {Terry.} --handed out. The gentleman from Florida
905 is recognized for 5 minutes.

906 Mr. {Bilirakis.} Thank you, Mr. Chairman.

907 Mr. Chairman, on behalf of Mr. Welch and myself, I have
908 an amendment at the desk. This amendment strikes from
909 current law the authority for Brand USA to impose an annual
910 fee on U.S. members of the international travel and tourism
911 industry. When the law was initially drafted, Brand USA was
912 given the legal authority to assess fees on industry to
913 accumulate up to \$20 million. However, since Brand USA's
914 inception, stakeholders in the travel and tourism community
915 have recognized the value of Brand USA, and have voluntarily
916 provided overwhelming support; nearly \$130 million in fiscal
917 year 2012. It is outstanding. That just shows you how
918 successful the program has been.

919 This assessment authority has never been used. Both the
920 Brand USA and the private sector have indicated that they
921 have confidence that private support will continue for Brand

922 USA's mission, and that legal authority to assess fees on
923 industry is unnecessary. To maintain the voluntary private
924 sector contribution system that supports Brand USA, I urge
925 support of this amendment.

926 And I yield back the balance of my time. Thank you.

927 Mr. {Terry.} The gentleman yields back.

928 Anyone else wish to time? Gentlelady from Illinois is
929 recognized.

930 Ms. {Schakowsky.} While I will not oppose the
931 Bilirakis-Welch amendment, I think we should recognize the
932 possible impacts of eliminating Brand USA's ability to assess
933 the industry.

934 As I said yesterday, I recognize the huge importance of
935 Brand USA both nationally and to my own district, which
936 depends on the jobs and revenue that visitors bring into the
937 greater Chicago area. Travel and tourism inject billions of
938 dollars into the American economy every year, and Brand USA
939 plays a vital role in encouraging more foreign visitors to
940 come to the United States. That is why it is so important to
941 protect the long-term viability of Brand USA.

942 Brand USA has done well to raise needed private sector
943 contributions to sustain its efforts. However, as the
944 Department of Homeland Security's needs increase, it seems
945 possible that federal funding could be reduced in the future,

946 requiring additional industry support. Eliminating the
947 assessment means that Brand USA could one day lack the
948 resources needed to meet its goals, with no mechanism in
949 place to raise needed capital. The U.S. travel and touring
950 industry and our entire national economy needs a strong Brand
951 USA, and removing the assessment authority could have
952 negative consequences down the line.

953 And I yield back.

954 Mr. {Terry.} Anyone else seek recognition on the
955 Bilirakis amendment?

956 Gentleman from Vermont is recognized.

957 Mr. {Welch.} Well, this is a good Bill for all our
958 districts. Mr. Bilirakis, I really appreciate taking the
959 lead on this. Florida; huge tourism industry. Vermont; a
960 much smaller state, but the tourism industry in Vermont is
961 incredibly important to Vermont. It is like 20,000 jobs. A
962 lot of kids get their first jobs in the tourism industry,
963 gets that foothold in the labor force. So I thank Mr.
964 Bilirakis for his really good work on this, and in support of
965 this amendment.

966 I yield back.

967 Mr. {Terry.} Gentleman yields back.

968 Any further--anyone seek recognition?

969 Seeing none, we will--all those in favor of the

970 Bilirakis amendment, say aye.

971 All those opposed, say no.

972 In the opinion of the chair, it is a unanimous ayes have
973 it and the amendment is adopted.

974 Any further amendments? Gentlelady from Illinois.

975 Ms. {Schakowsky.} Yes, Mr. Chairman, I have a--an
976 amendment at the desk.

977 Mr. {Terry.} The clerk will report the amendment.

978 The {Clerk.} Amendment to H. R. 4450, offered by Ms.
979 Schakowsky of Illinois.

980 [The amendment of Ms. Schakowsky follows:]

981 ***** INSERT 7 *****

|
982 Mr. {Terry.} The gentlelady dispense with--

983 Ms. {Schakowsky.} Yes.

984 Mr. {Terry.} --the reading, and hand out the amendment.

985 And the gentlelady is recognized for 5 minutes on her

986 amendment.

987 Ms. {Schakowsky.} I would again like to thank Mr.

988 Bilirakis and Mr. Welch, the sponsors of H. R. 4450, for

989 their continued commitment to the promotion of international

990 tourism. I strongly support the mission of Brand USA which

991 creates jobs and revenue for communities all over the

992 country. This Bill already makes several positive changes to

993 the program, and I am encouraged by those improvements.

994 I believe that there are additional ways we can help

995 ensure the success of Brand USA long into the future.

996 My amendment would make the program even more

997 accountable and transparent moving forward. The amendment

998 has several objectives. It includes several accountability

999 recommendations, mostly from a government accountability

1000 office, GAO, report from 2013 on Brand USA. The amendment

1001 would direct the Department of Commerce to establish

1002 specific, publicly-available time frames and conditions for

1003 revisions, and resolution of disagreements related to its in-

1004 kind contribution policy. Having a set policy will not only

1005 promote greater transparency, it would also, in the words of
1006 GAO, ``enable productive interactions and facilitate
1007 collaboration.''

1008 The amendment would also require Brand USA to report
1009 annually to the Commerce Department and the public with
1010 explanations of a single expenditure over \$500,000, instead
1011 of the \$5 million limit in current law.

1012 And lastly, the amendment would expand upon the Bill
1013 sponsors' efforts to move effectively--to more effectively
1014 monitor the performance of Brand USA.

1015 GAO has suggested that Brand USA be directed to develop
1016 a plan that specifies time frames, methodologies and data
1017 sources for measuring its performance, and the campaign's
1018 impact. By requiring those criteria explicitly, and by
1019 adding specifics on certain basic items it should measure,
1020 this amendment would give Brand USA more direction on the
1021 type of information it should collect, and ensure that its
1022 metrics are effective at determining the success of the
1023 program. Brand USA's continued long-term success is
1024 essential to communities that, like my district, depend on
1025 the economic benefits of travel and tourism. Brand USA is
1026 off to a good start, and I applaud everyone involved for
1027 their ongoing efforts to encourage people from all over the
1028 world to enjoy everything America has to offer, and I hope

1029 that with this Bill and with my colleagues' support, this
1030 amendment--and this amendment, Brand USA will continue to be
1031 a responsible and successful force in the future.

1032 And I yield back.

1033 Mr. {Terry.} Gentlelady yields back.

1034 Anyone else seeking attention? Gentleman from Florida,
1035 for what purpose?

1036 Mr. {Bilirakis.} Thank you, Mr. Chairman.

1037 I will accept the amendment--

1038 Mr. {Terry.} The gentleman is recognized.

1039 Mr. {Bilirakis.} --with the--the revised amendment with
1040 the stricken language with regard to the adjustment of the
1041 in-kind ratio. Otherwise, I will accept the--this particular
1042 amendment, and I will support it.

1043 Mr. {Terry.} All right, gentleman yields back.

1044 The question now occurs on the amendment.

1045 All those in favor of the Schakowsky amendment, say aye.

1046 All those opposed, nay.

1047 Ms. {Schakowsky.} I would like a roll call vote.

1048 Mr. {Terry.} Really?

1049 Ms. {Schakowsky.} No, not on the--sorry.

1050 Mr. {Terry.} Okay. The--in the opinion of the chair,
1051 the ayes have it. The amendment is agreed to.

1052 Now, any other amendments? Seeing no requests for

1053 amendments, the question now occurs on forwarding H.R. 4450
1054 to the full committee as amended.

1055 All those in favor, say aye.

1056 All opposed, say no.

1057 In the opinion of the chair--

1058 Ms. {Schakowsky.} On that--

1059 Mr. {Terry.} --the ayes--

1060 Ms. {Schakowsky.} On that, I would like a--see, I have
1061 had two cups of coffee. Maybe that it is too much. So I
1062 would like a roll call vote on the final--on our sending it
1063 to the full committee.

1064 Mr. {Terry.} Very good. There is a request for a
1065 recorded vote. The clerk will call the roll.

1066 The {Clerk.} Mr. Lance.

1067 Mr. {Lance.} Aye.

1068 The {Clerk.} Mr. Lance votes aye.

1069 Mrs. Blackburn.

1070 Mrs. {Blackburn.} Aye.

1071 The {Clerk.} Mrs. Blackburn votes aye.

1072 Mr. Harper.

1073 Mr. {Harper.} Aye.

1074 The {Clerk.} Mr. Harper votes aye.

1075 Mr. Guthrie.

1076 Mr. {Guthrie.} Aye.

1077 The {Clerk.} Mr. Guthrie votes aye.
1078 Mr. Olson.
1079 Mr. {Olson.} Aye.
1080 The {Clerk.} Mr. Olson votes aye.
1081 Mr. McKinley.
1082 Mr. {McKinley.} Aye.
1083 The {Clerk.} Mr. McKinley votes aye.
1084 Mr. Pompeo.
1085 [No response.]
1086 The {Clerk.} Mr. Kinzinger.
1087 Mr. {Kinzinger.} Aye.
1088 The {Clerk.} Mr. Kinzinger votes aye.
1089 Mr. Bilirakis.
1090 Mr. {Bilirakis.} Aye.
1091 The {Clerk.} Mr. Bilirakis votes aye.
1092 Mr. Johnson.
1093 Mr. {Johnson.} Aye.
1094 The {Clerk.} Mr. Johnson votes aye.
1095 Mr. Long.
1096 Mr. {Long.} Aye.
1097 The {Clerk.} Mr. Long votes aye.
1098 Mr. Barton.
1099 Mr. {Barton.} Aye.
1100 The {Clerk.} Mr. Barton votes aye.

1101 Mr. Upton.
1102 The {Chairman.} Aye.
1103 The {Clerk.} Mr. Upton votes aye.
1104 Ms. Schakowsky.
1105 Ms. {Schakowsky.} Aye.
1106 The {Clerk.} Ms. Schakowsky votes aye.
1107 Mr. Sarbanes. Mr. McNerney.
1108 Mr. {McNerney.} Aye.
1109 The {Clerk.} Mr. McNerney votes aye.
1110 Mr. Welch.
1111 Mr. {Welch.} Aye.
1112 The {Clerk.} Mr. Welch votes aye.
1113 Mr. Yarmuth.
1114 Mr. {Yarmuth.} Aye.
1115 The {Clerk.} Mr. Yarmuth votes aye.
1116 Mr. Dingell.
1117 Mr. {Dingell.} Votes aye.
1118 The {Clerk.} Mr. Dingell votes aye.
1119 Mr. Rush.
1120 Mr. {Rush.} Aye.
1121 The {Clerk.} Mr. Rush votes aye.
1122 Mr. Matheson.
1123 Mr. {Matheson.} Aye.
1124 The {Clerk.} Mr. Matheson votes aye.

1125 Mr. Barrow.

1126 Mr. {Barrow.} Votes aye.

1127 The {Clerk.} Mr. Barrow votes aye.

1128 Mrs. Christensen.

1129 [No response.]

1130 The {Clerk.} Mr. Waxman.

1131 Mr. {Waxman.} Aye.

1132 The {Clerk.} Mr. Waxman votes aye.

1133 Chairman Terry.

1134 Mr. {Terry.} Aye.

1135 The {Clerk.} Chairman Terry votes aye.

1136 Mr. {Terry.} Clerk will report the results.

1137 The {Clerk.} Mr. Chairman, on that vote, there were 22

1138 ayes and zero nays.

1139 Mr. {Terry.} Well, that is a great vote, and the ayes

1140 have it and the Bill is agreed to. And without objection,

1141 staff is authorized to make technical and conforming changes

1142 to the legislation approved by the subcommittee today. So

1143 hearing no objections, so ordered. And also without

1144 objection, no further business before this subcommittee

1145 today, the subcommittee stands adjourned.

1146 [Whereupon, at 11:01 a.m., the subcommittee was

1147 adjourned.]