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HOUSE OF REPRESENTATIVES

{ REPORT
115-271

IN THE MATTER OF ALLEGATIONS
RELATING TO REPRESENTATIVE ROGER
WILLIAMS

R E P O R T
OF THE
COMMITTEE ON ETHICS



AUGUST 1, 2017.—Referred to the House Calendar and ordered to be
printed

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LETTER OF TRANSMITTAL

ONE HUNDRED FIFTEENTH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, August 1, 2017.

Hon. KAREN L. HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached report, "In the Matter of Allegations Relating to Representative Roger Williams."

Sincerely,

SUSAN W . BROOKS,
Chairwoman.
THEODORE E. DEUTCH,
Ranking Member.

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IN THE MATTER OF ALLEGATIONS RELATING TO
REPRESENTATIVE ROGER WILLIAMS

AUGUST 1, 2017.—Referred to the House Calendar and ordered to be printed

Mrs. BROOKS of Indiana, from the Committee on Ethics,
submitted the following

R E P O R T

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

On May 13, 2016, the Office of Congressional Ethics (OCE) transmitted to the Committee a Report and Findings (OCE's Referral) regarding Representative Williams. OCE reviewed allegations that Representative Williams may have improperly taken official action on a matter in which he had a personal financial interest when he offered an amendment to surface transportation legislation known as the FAST Act during the 114th Congress. Representative Williams, who owns a Texas automobile dealership, introduced his amendment (the Williams Amendment) that sought to exempt dealerships from a provision in the FAST Act that prohibited the renting or loaning of vehicles subject to safety recalls.

OCE found that there was substantial reason to believe that Representative Williams' personal financial interest in his auto dealership may have—or could be perceived to have—influenced his performance of official duties, in violation of federal law and House rules.¹ For that reason, OCE recommended that the Committee further review these allegations.

The Committee did further review the allegations. Following its review, the Committee concluded that the evidence is insufficient to warrant further action against Representative Williams. While the Committee concluded that the Williams Amendment could have affected Representative William's personal financial interests, the

¹See Report and Findings of the Office of Congressional Ethics (Review No. 15-1202) (Appendix 1).

totality of the circumstances surrounding Representative Williams' actions did not create a reasonable inference of improper conduct in this matter. However, the Committee would like to emphasize its longstanding guidance that a Member who is considering introducing legislation or taking other official actions, beyond voting, that could affect the Member's personal financial interests should contact the Committee before doing so. In this case, while the Committee would have advised Representative Williams that he was not prohibited from introducing the Williams Amendment, it might have made Representative Williams aware of several potential issues, including the possibility that members of the public, the press, and others could raise questions about Representative Williams' actions. In fact, that is precisely what happened.² Consulting the Committee might have had an additional benefit of interest to all Members, and to the House as a whole: the avoidance of multiple, ultimately unnecessary, ethics investigations.

The Committee's general recommendation to consult it aside, the Committee found no violation of any law, rule, regulation, or other standard of conduct in this case. Accordingly, the Committee unanimously voted to dismiss this matter, publish this Report, and take no further action. Upon publication of this Report, the Committee considers the matter closed.

II. PROCEDURAL BACKGROUND

OCE undertook a preliminary review of this matter on January 5, 2016. On February 4, 2016, OCE initiated a second-phase review. On April 22, 2016, the OCE Board unanimously voted to adopt the Findings and refer the matter to the Committee with a recommendation for further review. The Committee received OCE's referral on May 13, 2016.

The Committee reviewed materials provided by OCE. In addition, the Committee issued voluntary requests for information to Representative Williams and the Roger Williams Auto Mall. Both voluntarily provided documents and other information to the Committee. In total, the Committee reviewed over 1,000 pages of materials. The Committee also interviewed six witnesses, including Representative Williams, who fully cooperated with the Committee's investigation.

On July 27, 2017, the Committee unanimously voted to release this Report and take no further action with respect to Representative Williams.

III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

General ethics principles prohibit a Member from using his or her congressional position for personal gain.³ House Rule III, clause 1, which specifically governs a Member's performance of legislative duties, states that Members may not vote on matters in which they have "a direct personal or pecuniary interest."⁴

² See Exhibit 1 (November 18, 2015 report published by the Center for Public Integrity and Texas Tribune) (Appendix 3); Letter from Campaign Legal Center to OCE, November 23, 2015, available at <http://www.campaignlegalcenter.org/document/us-house-letter-clc-urging-house-ethics-committee-and-office-congressional-ethics-review> (last accessed July 27, 2017).

³ See generally *House Ethics Manual* (2008) (hereinafter *Ethics Manual*) at 186–88.

⁴ *Id.* at 234.

Two other rules govern a Member's official activity more generally. First, House Rule XXIII, clause 3, states that "a Member . . . may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress." As prior Committee guidance on this rule explains, "[i]f a Member seeks to act on a matter where he might benefit as a Member of a large class, such action does not require recusal. . . . By contrast, where a Member's action would serve his own narrow financial interests, the Member should refrain from acting."⁵

Second, Section 5 of the Code of Ethics for Government Service (Code of Ethics) states that "[a]ny person in Government services should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties." Section 5 of the Code of Ethics also prohibits a government official from "discriminat[ing] unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not[.]" As the Committee has advised, a quid pro quo is not necessary to establish a violation of Section 5: "the Committee has consistently prohibited acting on matters in which a Member has a financial interest precisely because the public would construe such action as self-dealing, whether the Member engaged in the action for that reason or not."⁶ Thus, "[t]he only question is whether 'reasonable persons' 'might construe' [a Member's interest] as influencing the performance of his government duties" or whether "the public might, and reasonably could, view [the official action] as motivated by his substantial [financial interest]."⁷

In providing additional guidance regarding these standards, the Ethics Manual notes that Member actions such as sponsoring legislation "entail a degree of advocacy above and beyond that involved in voting."⁸ Thus, a "Member's decision on whether to take any such action on a matter that may affect his or her personal financial interest requires added circumspection."⁹ Members considering taking official action other than voting on a matter affecting their financial interests are advised to "first contact the [Ethics] Committee for guidance."¹⁰

Finally, House Rule XXIII, clauses 1 and 2, provide that a Member "shall behave at all times in a manner that shall reflect creditably on the House," and "shall adhere to the spirit and the letter of the Rules of the House."

IV. BACKGROUND

Representative Roger Williams is the Representative for Texas' 25th District. He has held that position since 2013. In the 114th Congress, he served on both the Financial Services and Transportation and Infrastructure Committees.

⁵ House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey*, 113th Cong., 2nd Sess. 11–12 (2014) (hereinafter *Gingrey*).

⁶ *Id.* at 18 (citing House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Shelley Berkley*, 112th Cong., 2nd Sess. 55 (2012) (hereinafter *Berkley*)).

⁷ *Id.* at 20–21.

⁸ *Ethics Manual* at 237.

⁹ *Id.*

¹⁰ *Id.*

A. REPRESENTATIVE WILLIAMS' AUTO DEALERSHIP

Representative Williams is the lone shareholder of the JRW Corporation, a private firm which, through its holdings in various limited liability companies and partnerships, wholly owns the Roger Williams Chrysler Dodge Jeep dealership (also known as the Roger Williams Auto Mall, or "Auto Mall"), located in Weatherford, Texas. Before his election to Congress, Representative Williams served as CEO of the dealership, which his father originally founded in 1939. After Representative Williams was elected to Congress, he ceded operational control of the Auto Mall to family members, including his daughters, who earn commissions from the dealership, and his wife, who draws a salary for her work. Representative Williams occasionally leads sales meetings at the Auto Mall on weekends.¹¹

Though Representative Williams is no longer involved in the Auto Mall's daily operations, he has retained all of his personal holdings in the business. According to information Representative Williams provided to the Committee, the Auto Mall generated approximately \$63,000,000 in gross revenue in 2015. Representative Williams' November 2015 financial disclosure reported that the JRW Corporation—the Auto Mall's lone shareholder—was valued at between \$25,000,001 and \$50 million. Representative Williams' 2015 financial disclosure form indicates that, while he has other investments in the form of real estate holdings, individual stocks, and brokerage accounts, the JRW Corporation's assets account for at least half of his overall investment portfolio.

In addition to its sales, the Auto Mall services automobiles and provides customers with two options for replacing their vehicle while in service. First, the Auto Mall facilitates car rentals with third-party rental companies, which rent cars to Auto Mall customers at a reduced rate. Such rentals are provided at either the customer's own expense, or are fully covered by the auto manufacturer or an extended warranty company. Where customer rental fees are covered by the manufacturer or extended warranty company, the Auto Mall pays the rental bill on the customer's behalf, adds the cost to the customer's overall service bill, and later receives a reimbursement from the manufacturer or extended warranty company.

Second, the Auto Mall uses eight vehicles as loaner vehicles offered to its customers.¹² In 2015, when Representative Williams offered the Williams Amendment, the Auto Mall's loaner fleet consisted of six Model Year 2015 Chrysler 200s and two Model Year 2014 Chrysler 300s.¹³ Representative Williams told Committee staff that he believes that the loaner program encourages customers to have their vehicles serviced at the Auto Mall, though no analysis or accounting has been performed to quantify any benefits that inure to the dealership from the program.¹⁴ Neither the Auto Mall nor any third party charges—or has ever charged—customers to use these vehicles. Though the Auto Mall occasionally receives *de minimis* reimbursements from the manufacturer for costs associ-

¹¹ 18(a) Interview of Representative Roger Williams.

¹² July 22, 2016 Joint Response from Representative Roger Williams and Williams Chrysler, Ltd. d/b/a Roger Williams Auto Mall (hereinafter "July 22, 2016 Joint Response") at 4 (Appendix 2).

¹³ *Id.* at Appendix F to July 22, 2016 Joint Response.

¹⁴ 18(a) Interview of Representative Roger Williams.

ated with maintenance of its loaner vehicles, the Auto Mall otherwise pays all vehicle costs, including interest expenses related to financing. According to the Auto Mall, the dealership generates no direct profit from its loaner program. In fact, the program operated at a net loss of \$40,000 in 2015.¹⁵

B. REPRESENTATIVE WILLIAMS' INVOLVEMENT WITH THE FAST ACT
AND THE WILLIAMS AMENDMENT

In January 2015, Representative Williams co-sponsored—and the House passed—H.R. 22, a bill dealing with veterans issues.¹⁶ As the bill was being considered in the Senate, various provisions relating to the reauthorization of federal surface transportation programs, including some tax measures, were incorporated. Those provisions were added to the existing House bill, rather than introduced as independent legislation, in order to comply with the constitutional requirement that revenue measures originate in the House.¹⁷ The modified bill, which became known as the FAST Act, passed the Senate in July 2015 and then proceeded to the House for deliberation.

The Senate bill included a provision that prohibited any “rental company” from renting its customers any vehicle that was the subject of any open safety recall, and required that vehicle to be removed from service.¹⁸ The legislation defined “rental company” as any entity that “(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.”¹⁹ A rental company that failed to ground a recalled vehicle would face a penalty of up to \$21,000 for each individual motor vehicle safety violation, up to a maximum penalty of \$105 million for a series of violations.

The National Automobile Dealers Association (NADA), an advocacy group for franchised automobile and truck dealerships, opposed the FAST Act. Even though the legislation lacked any explicit reference to auto dealers or their loaner fleets, NADA feared that the bill’s definition of a “rental company” might be read to include dealerships with loaner car programs, which would in turn subject dealers to the “provision that says that rental cars that are on a recall list must be grounded (not driven or rented).”²⁰ This concern was magnified by the lack of any limit on the scope or nature of a recall required to trigger compliance with the Act; thus, according to the NADA, dealers might be required to ground vehicles for minor defects that posed no immediate safety concern, such as a missing airbag warning sticker or an incorrect phone number in the car owner’s manual.²¹ Moreover, NADA feared that dealers might face additional liability beyond the direct penalties imposed by the FAST Act, as any violations of that (federal) law could give

¹⁵ July 22, 2016 Joint Response at 4 (Appendix 2). This figure would not include any “loss leader” benefits to the dealership, such as attracting or retaining customers for repair and maintenance services.

¹⁶ <https://www.congress.gov/bill/114th-congress/house-bill/22/cosponsors?q=%7B%22search%22%3A%5B%22HR+22%22%5D%7D&r=2&overview=closed#tabs> (last accessed July 27, 2017).

¹⁷ U.S. CONST., Art. I, Section 7, cl. 1.

¹⁸ Exhibit 2 at 2 (Appendix 3).

¹⁹ *Id.*

²⁰ Exhibit 3 at 1 (Appendix 3).

²¹ Exhibit 4 (Appendix 3); 18(a) Interview of NADA Official.

rise to independent causes of action under state unfair deceptive practices statutes.²²

NADA's Vice President for Legislative Affairs (NADA Official) explained to Committee staff his personal basis for believing that the FAST Act might apply to dealership loaner fleets, despite the lack of explicit language to that effect in the bill. He stated that dealerships typically require customers who borrow loaner vehicles to sign a "rental agreement," even where no money is paid for the vehicle's use.²³ Based on the title of that standard form, the NADA Official believed that, in litigation, a court could conclude that a loaner vehicle was "part of a rental fleet," and thus *any* vehicle subject to *any* recall could be grounded.²⁴ However, the NADA Official told Committee staff that it was nonetheless "unclear to [him] if loaner vehicles are actually within the scope of the legislation," given that "loaner vehicles" were, by definition, loaned out and not rented.²⁵

After a failed attempt to introduce an amendment to the bill in the Senate, NADA began seeking sponsors for a House amendment to expressly limit the FAST Act's application to automobile dealers. Representative Williams immediately emerged as a likely candidate. NADA had previously worked with Representative Williams on various financial services bills relating to dealer-assisted financing, and the NADA Official told Committee staff that he would "periodically" contact Representative Williams' office on legislation before the Financial Services Committee.²⁶ However, such contact was sporadic; the NADA Official stated that he "could go 6 months without talking to his office."²⁷ To the NADA Official, Representative Williams was a logical spokesperson to support a FAST Act amendment: as a car dealer who "knows the business of automotive retailing," he would be able to immediately discern the bill's negative impact on dealers.²⁸ The NADA Official also described Representative Williams as a "very hard worker" who would be able to manage the potential time constraints that would follow from amendment sponsorship.²⁹

On October 29, 2015, the NADA Official emailed Representative Williams' Legislative Director, explaining that auto dealers "potentially have a major problem" with the FAST Act and asking whether the Congressman would consider sponsoring a legislative fix.³⁰ Representative Williams' Legislative Director promptly emailed his Deputy Chief of Staff and asked him to contact the NADA Official to discuss a potential amendment. The NADA Official briefed Representative Williams' Deputy Chief of Staff soon thereafter, explaining how dealerships could be affected by the FAST Act and how the amendment would exclude dealers and loaner fleets from the regulation.³¹

Before these communications between the NADA Official and Representative Williams' staff, Representative Williams had not

²² 18(a) Interview of NADA Official.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Exhibit 5 (Appendix 3).

³¹ 18(a) Interview of Staffer A.

contemplated introducing any amendments to the FAST Act.³² Nor was Representative Williams or anyone on his staff aware that the FAST Act might be construed to apply to loaner vehicles offered by automobile dealerships to their customers.³³

Later in the afternoon of October 29, the Deputy Chief of Staff met with Representative Williams to discuss both the amendment and his earlier conversation with the NADA Official. The Deputy Chief of Staff told Representative Williams that NADA wanted his help on the amendment because he was “familiar with automobile dealerships.”³⁴ Representative Williams agreed to sponsor the amendment, telling his Deputy Chief of Staff that it “[s]ounds like a no-brainer.”³⁵ The Deputy Chief of Staff stated that, in the FAST Act, Representative Williams saw a potential “customer service issue” in dealers being forced to ground vehicles over recall issues that did not pose immediate safety threats, and thus thought an amendment was important so that “dealers weren’t hurt [and] that small businesses weren’t hurt by this regulation.”³⁶

At around the same time, the NADA Official sent the Deputy Chief of Staff proposed amendment language.³⁷ The one-word amendment sought to modify the FAST Act’s definition of a covered “rental company,” by inserting the word “primarily” before the phrase “engaged in the business of renting covered rental vehicles.”³⁸ The amendment’s stated effect was to exempt auto dealers, whose primary business is not to rent vehicles, from the recall provision contained in the FAST Act.³⁹ When Committee staff asked the Deputy Chief of Staff whether he conducted any independent analysis at that time to determine whether the FAST Act applied to dealerships or to loaner vehicles, he explained that he “just read the [bill] language and the language seemed pretty clear.”⁴⁰ He also stated that he did not consider whether the exchange of payment for a loaned or rented vehicle would have impacted whether the FAST Act applied.⁴¹

Representative Williams’ Deputy Chief of Staff sent the amendment language as drafted by the NADA Official to the House Office of the Legislative Counsel, which reviewed the text to ensure that it conformed to the technical requirements needed for the amendment to be accepted by the Rules Committee and made in order.⁴² Neither Representative Williams’ staff nor the Office of the Legislative Counsel made any substantive changes to the amendment language.

The Deputy Chief of Staff was the “point person” on Representative Williams’ staff for the amendment. The NADA Official provided him and another staffer with background materials, including draft talking points, a list of “minor” safety recalls that would

³² 18(a) Interview of Staffer B (“[I]t was [Representative Williams’] first amendment that he had offered.”).

³³ See, e.g., 18(a) Interview of Staffer A (NADA Official first explained to staffer that FAST Act might have applied to vehicles that car dealers loaned to customers; staffer did no independent research into legislation before that time).

³⁴ 18(a) Interview of Staffer A.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Exhibit 6 at 1 (Appendix 3).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ 18(a) Interview of Staffer A.

⁴¹ *Id.*

⁴² 18(a) Interview of NADA Official; 18(a) Interview of Staffer A.

potentially result in vehicles being grounded under the unamended FAST Act, and a draft floor speech for the Congressman to deliver in support of the amendment.

On November 4, 2015, the Williams Amendment proceeded to the House floor for consideration. During deliberations on the amendment, Representative Williams delivered the floor speech; neither Representative Williams nor his staff appear to have made any substantive changes to its NADA-drafted language. Representative Williams began the speech by identifying himself as a “second-generation auto dealer” who had been in the dealership industry much of his life and knew it well.⁴³ The speech also made clear that the Williams Amendment sought to exclude car dealerships from the FAST Act’s ambit, stating: “[t]he definition in the underlying bill . . . is so broad that it sweeps up dealers who offer loaner vehicles or rentals as a convenience for their customers.”⁴⁴ Representative Williams noted that the bill “could make it impractical for small-business dealers to provide loaner or rental cars to their customers because it mandates vehicles be grounded for minor compliance matters with a minimal impact on safety, and that is not what Congress’ intent is or should be.”⁴⁵ He also highlighted potential costs that the FAST Act, if unamended, would impose on dealerships, including new government inspections, additional record-keeping requirements, and penalties.⁴⁶

No co-sponsors signed onto the Williams Amendment. However, Representative Mike Kelly of Pennsylvania spoke briefly in the amendment’s favor. Representative Kelly, who shared his own perspective as the owner of “a third-generation automobile business” that “sold thousands of cars,” stated that the FAST Act would disproportionately harm auto dealers.⁴⁷ He also suggested that the Act could pose a relative benefit to rental car companies, who might capitalize on a dealer’s loaner vehicles being grounded by renting non-recalled vehicles to that dealer’s customers.⁴⁸

Representative Jan Schakowsky and former Representative Lois Capps spoke in opposition to the Williams Amendment, with the latter apparently sharing in the belief that the FAST Act would have applied to loaner vehicles offered by dealerships. Representative Capps stated that the Williams amendment would “needlessly exempt auto dealers from critical vehicle safety requirements,” and she urged the House to oppose the amendment “to ensure all consumers can be confident that their rental car or their loaner car is safe to drive, regardless of whether they get it from a rental company or a dealership.”⁴⁹

The Williams Amendment passed the House by voice vote on November 4, 2015. The amendment, though it was included in the legislation sent to conference committee, was ultimately struck in conference. In its place, the enacted legislation contained different language that had a similar effect of exempting any “rental company” with fewer than 35 vehicles from the recall-related requirements.⁵⁰

⁴³ Exhibit 7 at 1 (Appendix 3).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Exhibit 7 at 2 (Appendix 3).

⁴⁸ *Id.* (“And what will [rental companies] do with us when we take a car off the road? They will say: ‘Send your customers to us and we will rent them a car.’”).

⁴⁹ *Id.* at 1.

⁵⁰ Pub. L. No. 114–94, § 24109(b) (Dec. 4, 2015).

There is no evidence that, prior to Representative Williams' introduction of the Williams Amendment, Representative Williams or his staff ever discussed, with each other or anyone else, whether the FAST Act or the Williams Amendment would have any impact on the Auto Mall or Representative Williams' financial interest in it. Indeed, Representative Williams told Committee staff that it never occurred to him that his sponsorship of the Amendment might benefit him or his dealership, or otherwise create a conflict of interest.⁵¹ According to Representative Williams, the subject of his financial interest in the Auto Mall did not arise until a reporter from the Fort Worth Star-Telegram emailed Representative Williams' Communications Director on November 18, 2015 about a story on the Williams Amendment that previously appeared in the Texas Tribune. Specifically, the reporter asked whether Representative Williams "agree[d] 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."⁵² The reporter also asked whether Representative Williams consulted the Committee about the Williams Amendment.

On November 24, 2015, Representative Williams' office issued a press release in response to the reporter's inquiry. The press release described the Williams Amendment as a "one word, technical amendment that would affect thousands of auto dealers industry-wide," which Representative Williams offered because "dealers should not be forced to ground vehicles for a misprint or a peeled sticker." The press release also acknowledged Representative Williams' industry knowledge, and posed a rhetorical question: "Should . . . Members excuse themselves from engaging in debate that affects the industries or sectors they know best? In my opinion, absolutely not."⁵³

Representative Williams told the Committee that neither he nor any member of his staff contacted the Committee prior to his introduction of, or vote on, the Williams Amendment, because "[h]e had no indication that what he was doing could have possibly been perceived as unethical."⁵⁴

V. FINDINGS

As previously noted, House Rule III, clause 1, states that Members are expected to vote on all legislation pending before the House, except where the Member has "a direct personal or pecuniary interest" that would be affected by the legislation. The Committee has historically interpreted this limitation to apply only where the legislation affects a specific company or asset in which the Member holds a financial interest.⁵⁵ While the Committee has advised Members "that it would be inappropriate for them to vote or to introduce legislation directly affecting significant and uniquely held financial interests,"⁵⁶ a Member is not restricted from voting on legislation that affects a broad class of companies or assets,

⁵¹ 18(a) Interview of Representative Roger Williams.

⁵² Exhibit 8 at 2 (Appendix 3).

⁵³ Exhibit 9 at 1 (Appendix 3).

⁵⁴ July 22, 2016 Joint Response at 11 (Appendix 2).

⁵⁵ *Ethics Manual* at 235.

⁵⁶ *Id.* at 237.

where the Member merely holds an interest in one of those.⁵⁷ Both the FAST Act and the Williams Amendment would have affected the broad class of approximately 16,000 auto dealers nationwide, and not merely the automobile dealership owned by Representative Williams. Thus, Representative Williams' ownership stake in the Auto Mall did not preclude him from *voting* on either the Act or his Amendment.

Sponsorship of legislation raises different issues, and Members are held to a different standard with respect to such activity. Where sponsorship of a bill or amendment would affect a Member's own financial interests, the "class" analysis still applies. However, the Committee has advised that Members should exercise "added circumspection" and contact the Committee for guidance in such circumstances.⁵⁸

In submissions to the Committee through his counsel, Representative Williams argues that he could not have had a personal or pecuniary interest in sponsoring the Williams Amendment, because the Auto Mall only offers loaner vehicles to its customers, and "the language of [the Williams Amendment] applies only to 'rental vehicles'."⁵⁹ This argument, however, contradicts Representative Williams' apparent understanding of the FAST Act and his amendment when it was adopted by the House: he stated in his own remarks on the House floor that loaner vehicles would have been regulated by the FAST Act, and that the amendment sought to exclude dealership loaner fleets from that regulation.⁶⁰ Another Member's speech in opposition to the Williams Amendment,⁶¹ as well as the NADA Official's statements to Committee staff and materials he provided to Representative Williams' staff before the amendment was adopted,⁶² reflect a similar contemporaneous understanding that the bill and amendment would likely have resulted in regulation of dealership loaner vehicles. The NADA Official also explained that the "rental agreement" forms commonly used by dealerships in their loaner programs might lead a court, in litigation, to conclude that loaner vehicles were "part of a rental fleet" and potentially subject to the FAST Act.⁶³ The Auto Mall used such forms when providing loaner services to its customers.

Moreover, at the time the Williams Amendment was introduced, at least 11 million Fiat Chrysler cars and trucks—including Chrysler, Dodge, Jeep, and Ram vehicles—were on a recall list following a 2015 NHTSA enforcement action.⁶⁴ The eight vehicles that comprised the Auto Mall's loaner fleet were all subject to that recall, and may have been required to be grounded under the FAST Act, if loaner vehicles were indeed within the Act's scope. Representative Williams told Committee staff that, while he knew generally that the Auto Mall's loaner fleet was comprised of Chrysler vehicles, he was unaware of which specific vehicles were offered to customers as part of that service.⁶⁵ Representative Williams also told

⁵⁷ *Id.* at 235–37.

⁵⁸ *Id.* at 237.

⁵⁹ July 22, 2016 Joint Response at 7 (Appendix 2).

⁶⁰ Exhibit 7 (Appendix 3).

⁶¹ *Id.*

⁶² *See, e.g.*, 18(a) Interview of NADA Official.

⁶³ *Id.*

⁶⁴ <https://www.nhtsa.gov/press-releases/us-dot-announces-fiat-chrysler-enforcement-action> (last accessed July 27, 2017).

⁶⁵ 18(a) Interview of Representative Roger Williams.

Committee staff that he was unaware of the 2015 recalls when he introduced the Williams Amendment.⁶⁶

The Committee found no evidence that Representative Williams or anyone on his staff ever contacted the Committee or asked whether House rules permitted his sponsorship of the amendment. Indeed, Representative Williams admitted that neither he nor any member of his staff contacted the Committee prior to his introduction of, or vote on, the Williams Amendment, but stated that they did not do so because “[h]e had no indication that what he was doing could have possibly been perceived as unethical.”⁶⁷ Representative Williams has explained that it did not occur to him that he might have a conflict of interest, or that he had any need to contact the Committee for guidance, because he did not consider whether his amendment would have had any impact on his business or financial interests.

As the Committee’s guidance recognizes, sponsorship of bills and amendments is an official action that goes a step beyond voting, one that “may implicate the rules and standards . . . that prohibit the use of one’s official position for personal gain,”⁶⁸ including House Rule XXIII, clause 3, and Section 5 of the Code of Ethics. Importantly, those rules distinguish between *actual* conflicts of interest—when a Member is actually motivated by personal financial gain instead of his duty to his constituents—and *apparent* conflicts of interest, or situations in which a reasonable person might conclude that a Member has abused the public trust for personal gain.

The Committee’s determination as to whether Representative Williams violated any rule, law, regulation, or other applicable standard of conduct by sponsoring the Williams Amendment turned on the answers to two questions. First, did Representative Williams have an actual conflict of interest, *i.e.*, did he introduce the Williams Amendment to financially benefit himself? Second, did Representative Williams have an apparent conflict of interest, *i.e.*, might a reasonable person have concluded that Representative Williams took an official action to enrich himself?

As for the first question, Representative Williams maintains that “[h]e did not offer the amendment in order to benefit the Dealership,”⁶⁹ and the Committee found no evidence to contradict this assertion. As Representative Williams’ staff and the NADA Official explained, Representative Williams did not conceive of or draft the Williams Amendment: rather, the idea was suggested—and the amendment authored—by an individual who advocated on behalf of automobile dealers nationwide. Nor did Representative Williams or anyone on his staff discuss any personal or financial interest in the Auto Mall in connection with the decision to sponsor the Williams Amendment. Moreover, when Representative Williams introduced and spoke on his amendment on the House floor, he openly disclosed his status as a car dealer, as well as auto dealers’ broad interest in excluding the FAST Act from applying to their loaner fleets. Representative Williams also reported his investment in the Auto Mall (via the JRW Corporation) on his 2015 financial disclosure form. The Committee has noted that while public disclosure

⁶⁶ *Id.*

⁶⁷ July 22, 2016 Joint Response at 11 (Appendix 2).

⁶⁸ *Ethics Manual* at 237.

⁶⁹ July 22, 2016 Joint Response at 11 (Appendix 2).

of a potential conflict does not completely insulate a Member from possible violations of the conflict of interest rules, it is the “preferred method of regulating possible conflicts of interest.”⁷⁰

Though the Committee found no evidence that the Williams Amendment would have allowed the Auto Mall to generate a profit from its loaner program, the unamended FAST Act could have had a negative financial impact on the business, for example, by increasing the dealership’s liability and disrupting its loaner program. That disruption was more than a theoretical possibility: at the time the Williams Amendment was introduced, at least 11 million Fiat Chrysler cars and trucks—including Chrysler, Dodge, Jeep, and Ram vehicles—were on a recall list following a 2015 NHTSA enforcement action.⁷¹ The eight vehicles that comprised the Auto Mall’s loaner fleet were all subject to that recall, and may have been required to be grounded under the pre-amendment FAST Act, if loaner vehicles were indeed within the Act’s scope. Yet any resulting financial impact on the Auto Mall would appear to be minimal, and not enough to establish an actual motive to self-deal, particularly in light of other circumstances surrounding Representative Williams’ sponsorship of the amendment—notably, NADA having drafted the amendment text and asking Representative Williams to introduce it on behalf of car dealers nationwide. Moreover, any benefit resulting to automobile dealers as a result of the amendment would have similarly applied to any dealerships that offer loaner vehicles to their customers. Thus, Representative Williams’ own explanations, his staff’s explanations, and the totality of the circumstances all indicate that he did not sponsor the Williams Amendment to benefit himself, and thus there was no actual conflict of interest.

As for the second question, the Committee has long cautioned Members to “avoid situations in which even an inference might be drawn” that a Member took an official action to benefit their own financial interests.⁷² With respect to Section 5 of the Code of Ethics, “the Committee has consistently prohibited acting on matters in which a Member has a financial interest precisely because the public would construe such action as self-dealing, *whether the Member engaged in the action for that reason or not*” (emphasis added). Under this standard, “[t]he only question is whether ‘reasonable persons’ ‘might construe’ [a Member’s interest] as influencing the performance of his government duties” or whether “the public might, and reasonably could, view [the official action] as motivated by his substantial [financial interest].”⁷³

In determining whether a reasonable person might conclude that a Member took an official action for personal financial gain, the Committee has typically considered the totality of the circumstances in each case. As explained in further detail below, the Committee analyzed the totality of the circumstances in this case, and determined that a reasonable person would not conclude that Representative Williams introduced the Williams Amendment to enrich himself or the Auto Mall. In doing so, the Committee consid-

⁷⁰ *Berkley* at 51 (citing *Ethics Manual* at 251).

⁷¹ <https://www.nhtsa.gov/press-releases/us-dot-announces-fiat-chrysler-enforcement-action> (last accessed July 27, 2017).

⁷² See *Ethics Manual* at 27.

⁷³ *Gingrey* at 20–21 (citing *Berkley* at 55).

ered Representative Williams' particular financial interest that could have been affected by the Williams Amendment, as well as the effect that the amendment could have on that interest. On that basis, the Committee concluded that Representative Williams took an official action, beyond voting on legislation, which could have affected his personal financial interests. Thus, he should have contacted the Committee for guidance before taking the action. However, in considering the totality of the circumstances, the Committee concluded that Representative Williams' sponsorship of the Williams Amendment did not create a reasonable inference that Representative Williams used his official position for personal gain.

In reaching this conclusion, the Committee considered several factors:

(1) *What is the nature of Representative Williams' financial interest in the Auto Mall?* The Committee's historical guidance on this question highlights several factors relevant to evaluating the nature of Representative Williams' financial interest in the Auto Mall. This is not an exhaustive list of relevant factors, nor is any individual factor is dispositive.

- *What is the dollar value of Representative Williams' financial interest in the Auto Mall?* Representative Williams' November 2015 financial disclosure reported that the JRW Corporation—the Auto Mall's lone shareholder—was valued at between \$25,000,001 and \$50 million.

- *What is the relative value of the investment compared to the value of the Member's entire investment portfolio?* While Representative Williams has other investments in the form of real estate holdings, individual stocks, and brokerage accounts, information listed on Representative Williams' 2015 financial disclosure form indicates that the JRW Corporation's assets appear to account for at least half of his overall asset portfolio.

- *Was the investment public or private?* The investment is private. Representative Williams is the lone shareholder of the JRW Corporation, which, through its holdings in various limited liability companies and partnerships, wholly owns the Auto Mall.

- *Is the interest direct or imputed?* Members may have direct, personal financial stakes in an investment, entity or business outcome. In this case, Representative Williams, as the Auto Mall's lone shareholder, has a direct business interest in the Auto Mall.

Representative Williams also appears to have imputed interests in the Auto Mall. Representative Williams told Committee staff that his wife earns a monthly salary from the Auto Mall of about \$5,000. Income received by a spouse usually accrues, albeit indirectly, to a Member's interest. Certain House rules and statutory provisions impute to the Member certain benefits that are received by a spouse, and questions may arise as to whether a Member is improperly benefiting as a result of the spouse's activities.⁷⁴ House Rule XXIII, clause 3, prohibits a Member from receiving any compensation, or allowing any compensation to accrue to the Member's beneficial interest, from any source as a result of an improper exer-

⁷⁴ With respect to the activities and interests of children who are not dependents, the Committee has advised that any resulting benefits do not typically impute to the Member.

cise of official influence. Additionally, Section 5 of the Code of Ethics admonishes officials never to accept benefits for themselves or their families “under circumstances which might be construed by reasonable persons as influencing the performance” of official duties. Nonetheless, neither of these provisions is triggered by a spouse’s activities unless the Member has improperly exerted influence or performed official acts either in order to obtain compensation for, or as a result of compensation to, the spouse.

- *Is the interest aligned with the interests of constituents?* A Member’s financial interest may signify a personal investment in the district’s financial well-being. However, entities in which a Member is invested may also have their own priorities, which can diverge from those of constituents, especially if the district is also home to competitors. The Committee has advised that the best way to address any such divergence is to serve all constituents equally. Representative Williams told Committee staff that the Auto Mall, which does not operate in his congressional district, probably does not employ any constituents. However, the Williams Amendment would have operated similarly on all of the automobile dealerships in Representative Williams’ district and excluded their loaner programs from the provisions of the FAST Act. Thus, Representative Williams’ interests were at least aligned with those of constituents who owned or worked at other dealerships in his district.

(2) *What is the nature of the Member’s official action?* The following factors guided the Committee’s evaluation of the nature of Representative Williams’ official action.

- *Was the Member’s official action consistent with treatment of others who requested legislative assistance?* The idea for the Williams Amendment originated squarely with NADA: Representative Williams’ staff explained that they were approached by NADA and told that the underlying bill could pose problems for auto dealers. Representative Williams wanted to be helpful and, based on his perspective as an auto dealer, put forth what he understood to be a basic, common sense legislative fix. The NADA Official explained that he has previously worked with the Congressman on other legislative issues and that he meets with Representative Williams’ office staff “periodically,” though he “could go 6 months without talking to his office.”⁷⁵ Though the Committee could not precisely quantify how NADA’s access compared to that of other groups, Representative Williams told Committee staff that, outside of the Williams Amendment, he could not recall ever introducing a bill or amendment based on a request from a lobbying group or trade association.⁷⁶

- *Did other Members of Congress participate?* Representative Williams was the Williams’ Amendment’s lone sponsor. One other Member, Representative Kelly, spoke in favor of the amendment on the floor. The House unanimously adopted the

⁷⁵ 18(a) Interview of NADA Official.

⁷⁶ 18(a) Interview of Representative Roger Williams (“Q: [NADA] asked you to introduce that amendment and you agreed . . . Have you ever followed that process with any other piece of legislation where a lobbying group or a trade association has asked you to introduce a bill and you’ve done that, or an amendment? A: Not that I can recall.”).

Williams Amendment by voice vote, although two Members did speak in opposition to it.

- *What public oversight was applied?* The official action was public. The Williams Amendment was introduced in the House on November 4, 2015, debated publicly, and approved by a voice vote by full House. During his floor speech on the amendment, Representative Williams disclosed that he was a car dealer, as well as his belief that, without his proposal, it would be impractical for auto dealers like himself to offer loaner programs. Representative Williams' investment in the Auto Mall was also reported on his financial disclosure forms, and was thus a matter of public knowledge.

- *What is the potential effect the proposed activity would have on the official's financial interest?* It is not clear what the direct effect of the Williams Amendment would have been on the Auto Mall. However, the amendment may have had some ancillary impact on Representative Williams' business. Representative Williams told Committee staff that he believes that the loaner program encourages customers to have their vehicles serviced at the Auto Mall.⁷⁷ It is unclear what effect the FAST Act, if unamended, might have had on the Auto Mall's own loaner fleet. Representative Williams testified that the Auto Mall already grounds loaner cars that are subject to a recall, depending on the severity of the safety issue implicated.⁷⁸ Yet it is conceivable that, without the Williams Amendment, the FAST Act would have forced more loaner vehicles to be grounded: Representative Williams said in his floor speech that the bill might have required cars to be grounded for "such minor compliance matters as an airbag warning sticker that might peel off."⁷⁹ In that same speech, Representative Williams also said the FAST Act would have made it "impractical" for dealers to maintain a loaner program.⁸⁰

Further, the FAST Act could have exposed the Auto Mall to additional legal liability. Under general tort law, a dealership could be sued if a customer driving a recalled loaner vehicle became injured due to a safety issue relating to the recall. However, the NADA Official explained that under the unamended FAST Act, dealers might have faced additional lawsuits under state unfair deceptive practices statutes, because a violation of federal law would permit a cause of action under those statutes, and the FAST Act would have penalized dealers for renting or loaning recalled cars as a matter of federal law—even if the vehicle did not experience any mechanical problems and the driver did not suffer any personal injury. The Auto Mall would have potentially borne this risk, particularly since all eight of the loaner vehicles that the Auto Mall offered to customers in 2015 would have been covered by an open safety recall, and the Williams Amendment would have directly ex-

⁷⁷*Id.*

⁷⁸*Id.* ("[I]t depends on the issue. I mean, if it's a serious issue where it could cause death of injury, we're not going to let that car out, you know. But if it's a situation where the serial number is wrong on something or maybe the radio doesn't work or whatever, we would loan that car out.")

⁷⁹Exhibit 7 at 1 (Appendix 3).

⁸⁰*Id.*

cluded dealerships from any such additional liability imposed by the FAST Act.

It is unclear what costs would have resulted to the Auto Mall from grounding any loaner vehicles subject to recall, since the auto manufacturer would have covered all repair or remediation costs associated with the recall. However, Representative Williams told Committee staff that, if the Auto Mall's loaner program were shut down and had no loaner cars to offer to customers, it would likely pay for its customers to rent a vehicle from an outside rental car company.⁸¹

Given all of this, Representative Williams may have had some financial interest in excluding his own dealership from the FAST Act, and should have recognized that possibility. However, considering the totality of the circumstances, any such interest was not sufficient to establish an impermissible conflict of interest in this case. The Auto Mall does not earn a direct profit from offering loaner vehicles or facilitating rentals to its customers. Though the Auto Mall receives occasional reimbursements from manufacturers in connection with its loaner vehicles, the direct, tangible costs to the dealership for providing that service appear to exceed any revenues generated from such service. And while the loaner program may have resulted in ancillary, indirect benefits to the Auto Mall in the form of customer retention and goodwill, Representative Williams told Committee staff that the Auto Mall has not performed any analysis or accounting to quantify any possible benefits obtained from the loaner program.⁸² Moreover, the Committee found no evidence that the Williams Amendment would have materially increased the Auto Mall's revenues or profits, or made Representative Williams' investment in the Auto Mall more valuable. Thus, the Committee found the amendment's potential impact on Representative Williams' financial interest in the Auto Mall to be minimal.

• *Does the proposed official action affect a sector or other large class of entities or narrowly affect a single or smaller group of entities in which the Member retains a financial interest?* As previously noted, class analysis applies to both voting on and sponsoring legislation and amendments, such as the Williams Amendment.⁸³ That amendment affected a large class of individuals—all auto dealers nationwide—and did not singularly affect the Auto Mall to a different degree than any other dealership. Moreover, NADA, which represents all automobile dealers, drafted the amendment and proposed to Representative Williams that he sponsor it.

Thus, reviewing the totality of the circumstances, the Committee found that Representative Williams' actions in sponsoring the Wil-

⁸¹ 18(a) Interview of Representative Roger Williams.

⁸² *Id.*

⁸³ See *Ethics Manual* at 237 (“The Committee . . . has occasionally advised Members, in private advisory opinions, that it would be inappropriate for them to vote or to introduce legislation directly affecting significant and uniquely held financial interests. At times a question arises as to whether the class to which a Member belongs with regard to a piece of legislation—such as, for example, the class of owners of a particular area of land that would be acquired by the government under the legislation—is sufficiently large to warrant the Member voting under the authorities set out above.”); see also *Gingrey* at 11 (As prior Committee guidance on Rule XXIII explains, “[i]f a Member seeks to act on a matter where he might benefit as a Member of large class, such action does not require recusal. . . . By contrast, where a Member’s action would serve his own narrow financial interests, the Member should refrain from acting.”).

liams Amendment did not create a *reasonable inference* of improper conduct. While Representative Williams may have had some personal financial interest in the adoption of his amendment, the nature of any such interest was speculative and hypothetical, because both the overall business benefit of the loaner program and the impact of the FAST Act on that program are unclear, if not impossible to quantify. Representative Williams neither conceived of nor drafted the amendment, which is further evidence that he did not introduce the Williams Amendment to benefit himself or any personal financial interest in the Auto Mall. Representative Williams also openly disclosed his status as an auto dealer when speaking about the amendment on the House floor. Furthermore, the Williams Amendment did not uniquely benefit the Auto Mall: to the extent Representative Williams or the Auto Mall may have benefited from the amendment, they did so as a member of a class of auto dealers. Indeed, to the extent that the amendment benefitted the Auto Mall, it also would have benefitted any competitors who also offered loaner programs. Finally, while the amendment did impact a business in which Representative Williams has a substantial financial interest, the Auto Mall does not earn a direct profit from offering loaner vehicles or facilitating rentals to its customers. Thus, the legislation would not have resulted in a material monetary gain to Representative Williams, and a reasonable person would not conclude that Representative Williams sponsored the Williams Amendment to benefit himself.

VI. CONCLUSION

Although Representative Williams' sponsorship of the Williams Amendment did not violate any law or House Rule, the Committee cautions all Members that this is an area where mistakes can be made. The Committee accepts Representative Williams' statement that he never thought that his sponsorship of the Williams Amendment posed a conflict of interest. Yet as Representative Williams stated in his own floor speech on the amendment, the unamended FAST Act would have negatively impacted, or even rendered impractical, auto dealers' loaner programs—a service that the Auto Mall offered and resulted in a modest, albeit intangible, business benefit. In light of these circumstances, Representative Williams should have contacted the Committee for guidance, and to identify in advance any potential limitations on his ability to offer and support the Williams Amendment, in order to avoid *any* inference of improper action. Had he done so, the Committee would have told him that, based on the totality of the circumstances, he was not barred from sponsoring the Williams Amendment. However, the Committee would have also cautioned Representative Williams that some members of the public might, on first impression and without the benefit of the full picture the Committee's investigation ultimately developed, question whether his actions could be conflicted, and that he should take care to avoid creating any impression that he was sponsoring the amendment to benefit himself or his business.

The recommendation that Members contact the Committee in these circumstances is not new, and all Members should be aware of it: the *Ethics Manual* has long stated that whenever a Member is considering taking any action on a matter that could impact the

Member's own financial interest, and involves a degree of advocacy above and beyond that involved in voting, that Member should first ask the Committee for guidance.⁸⁴ The Committee encourages all Members who are considering sponsoring legislation or an amendment to contact the Committee if the legislation may personally impact them, and to exercise caution to avoid any actual or apparent conflict of interest.

While Representative Williams was not required to contact the Committee before sponsoring the Williams Amendment, this matter illustrates why the *Ethics Manual* states that Members "should" do so: Representative Williams could have benefitted from the Committee's perspective, and may have avoided any appearance of a conflict of interest, as well as separate investigations by OCE and the Committee. Nonetheless, the Committee ultimately found that Representative Williams' actions did not violate the law or House Rules regarding conflicts of interest and use of one's official position for personal financial gain.⁸⁵ Accordingly, the Committee has determined to take no further action in this matter, and upon publication of this Report, considers the matter closed.

VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(C)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

⁸⁴*Ethics Manual* at 237.

⁸⁵For the same reasons, the Committee did not find that Representative Williams violated House Rule XXIII, clauses 1 or 2.

APPENDIX 1

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 15-1202

The Board of the Office of Congressional Ethics (the "Board"), by a vote of no less than four members, on April 22, 2016, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Roger Williams

NATURE OF THE ALLEGED VIOLATION: Representative Roger Williams owns an auto dealership in Weatherford, Texas. On November 4, 2015, Rep. Williams offered, and the House of Representatives accepted by voice vote, an amendment to surface transportation reauthorization legislation to limit a provision of the bill that prohibited the renting or loaning of vehicles subject to safety recalls to companies that are "primarily" engaged in the car rental business. His amendment exempted companies not primarily engaged in the car rental business, such as auto dealers, from the prohibition on renting or loaning vehicles subject to safety recalls.

If Representative Williams improperly took official action on a matter in which he had a personal financial interest, then he may have violated House rules and standards of conduct regarding conflicts of interest.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation that Representative Williams improperly took official action on a matter in which he had a personal financial interest, as there is substantial reason to believe that Representative Williams' personal financial interest in his auto dealership may be perceived as having influenced his performance of official duties – namely, his decision to offer of an amendment to the surface transportation legislation.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO
THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 15-1202

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 15-1202

On April 22, 2016, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to laws, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. Representative Roger Williams owns a car dealership in Weatherford, Texas, which offers rental cars to customers who have their vehicles serviced at the dealership.
2. On November 4, 2015, Rep. Williams offered, and the House of Representatives accepted by voice vote, an amendment to surface transportation reauthorization legislation to limit a provision of the bill that prohibited the renting or loaning of vehicles subject to safety recalls to companies that are “primarily” engaged in the car rental business. His amendment effectively exempted companies not “primarily” engaged in the car rental business, such as auto dealers, from the prohibition on renting or loaning vehicles subject to safety recalls.
3. If Representative Williams improperly took official action on a matter in which he had a personal financial interest, then he may have violated House rules and standards of conduct regarding conflicts of interest.
4. The Board recommends that the Committee on Ethics further review the allegation that Representative Williams improperly took official action on a matter in which he had a personal financial interest, as there is substantial reason to believe that Representative Williams’ personal financial interest in his auto dealership may be perceived as having influenced his performance of official duties – namely, his decision to offer of an amendment to the surface transportation legislation.

B. Jurisdictional Statement

5. The allegations that were the subject of this review concern Representative Roger Williams, a Member of the United States House of Representatives from the 25th District of Texas. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this

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resolution.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

6. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on January 4, 2016. The preliminary review commenced on January 5, 2016.² The preliminary review was scheduled to end on February 3, 2016.
7. On January 5, 2016, the OCE notified Representative Williams of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
8. At least three members of the Board voted to initiate a second-phase review in this matter on January 22, 2016. The second-phase review commenced on February 4, 2016.⁴ The second-phase review was scheduled to end on March 19, 2016.
9. On February 3, 2016, the OCE notified Representative Williams of the initiation of the second-phase review, again notified him of his right to be represented by counsel in this matter, and notified him that invoking that right would not be held negatively against him.⁵
10. The Board voted to extend the second-phase review by an additional period of fourteen days on February 26, 2016. The additional period ended on April 2, 2016.
11. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on April 22, 2016.
12. The report and its findings in this matter were transmitted to the Committee on Ethics on May 13, 2016.

D. Summary of Investigative Activity

13. The OCE requested documentary and, in some cases, testimonial information from the following sources:
 - (1) Representative Roger Williams; and

¹ H. Res 895, 110th Cong. §1(e) (2008) (as amended).

² A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³ Letter from OCE Staff Director and Chief Counsel to Representative Williams, January 5, 2016.

⁴ According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase commences the day after the preliminary review ends.

⁵ Letter from OCE Staff Director and Chief Counsel to Representative Williams, February 3, 2016.

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(2) Roger Williams Auto Mall.

14. Representative Williams declined to provide the OCE with information in response to the OCE's requests and was determined to be non-cooperative.

15. The Roger Williams Auto Mall declined to provide any information requested by the OCE. The Auto Mall was determined to be a non-cooperating witness.

II. REPRESENTATIVE WILLIAMS' PERSONAL FINANCIAL INTEREST IN AN AUTO DEALERSHIP MAY BE PERCEIVED AS HAVING INFLUENCED HIS PERFORMANCE OF OFFICIAL DUTIES

A. Applicable Laws, Rules, and Standards of Conduct

16. House Rules

Pursuant to House Rule 23, clause 1, Members "shall behave at all times in a manner that shall reflect creditably on the House."

Under House Rule 23, clause 2, Members "shall adhere to the spirit and the letter of the Rules of the House"

Under House Rule 23 clause 3, Members "may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress."

17. Code of Ethics for Government Service

Section 5 of the Code of Ethics for Government Service provides: "Any person in Government service should . . . never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."

18. House Ethics Manual

According to the House Ethics Manual, "Members may not use their congressional position for personal financial benefit."⁶

The Manual further notes that Member actions such as sponsoring legislation or advocating or participating in an action by a House Committee "entail a degree of advocacy above and beyond that involved in voting."⁷ Therefore, a "Member's decision on whether to take any such action on a matter that may affect his or her personal

⁶ House Ethics Manual (2008) at 233.

⁷ *Id.* at 237. With respect to voting, the Manual instructs that Members may vote on a matter unless they have "a direct personal or pecuniary interest" in the matter. *Id.* at 234 (quotation omitted).

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*financial interest requires added circumspection.*⁸ *The Manual advises that a Member who considers taking such action on a matter that may affect his or her financial interests “should first contact the Standards Committee for guidance.”*⁹

19. House Committee on Ethics Precedent

*With respect to House Rule 23, clause 3, the Committee on Ethics has advised: “The nature of Members as proxies for their constituents in the federal government makes it impossible to require recusal on every issue in which a Member has a financial interest. . . . If a Member seeks to act on a matter where he might benefit as a member of a large class, such action does not require recusal. . . . By contrast, where a Member’s actions would serve his own narrow financial interests, the Member should refrain from acting. The Committee’s guidance on this point advises Members to engage in ‘added circumspection’ any time a Member is deciding whether to take official action ‘on a matter that may affect his or her personal financial interests.’”*¹⁰

With respect to Section 5, clause 1, of the Code of Ethics for Government Service, the Committee on Ethics has found a violation when a Member treats an individual or entity differently than other similarly situated individuals or entities.¹¹ On the other hand, when a Member treats an individual or entity “as any other constituent” and does not “engage in favoritism,” a violation will not be found.¹²

With respect to Section 5, clause 2, of the Code of Ethics for Government Service, the Committee on Ethics has advised that a “quid pro quo” is not necessary to establish a violation, noting that “the Committee has consistently prohibited acting on matters in which a Member has a financial interest precisely because the public would construe such action as self-dealing, whether the Member engaged in the action for that reason or not.”¹³ Rather, “[t]he only question is whether reasonable persons might construe [a Member’s interest] as influencing the performance of his governmental duties” or whether “the public might, and reasonably could, view [the official action] as motivated by his substantial [financial interest.]”¹⁴

“Precedents on conflicts of interest do contemplate that disclosure, especially in instances where a Member’s interests are in line with the Member’s constituents, is the ‘preferred method of regulating possible conflicts of interest.’ However, such disclosure

⁸ *Id.*

⁹ *Id.*

¹⁰ House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey*, 113th Cong., 2nd Sess. (2014) at 12 (citations omitted).

¹¹ *Id.* at 14.

¹² *Id.* (citing House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Shelley Berkley*, 112th Cong., 2nd Sess. (2012) (“*In the Matter of Shelley Berkley*”) at 54-55; *Statement of the Comm. on Standards of Official Conduct Regarding Complaints Against Representative Newt Gingrich*, Mar. 8, 1990, at 66)).

¹³ *Id.* at 18 (citing *In the Matter of Shelley Berkley* at 55).

¹⁴ *Id.* at 20-21 (quotations omitted).

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*must be full and complete and, even if complete, does not always alleviate a conflict or permit a Member to act.*¹⁵

B. Representative Williams Offered an Amendment to a House Transportation Bill That Affected His Personal Financial Interest

20. Representative Roger Williams is the owner and chairman of Roger Williams Chrysler/Dodge/Jeep/Ram/SRT, an automobile dealership in Weatherford, Texas (“Roger Williams Auto Mall”).¹⁶
21. In his 2014 Financial Disclosure Report, Representative Williams identified himself as the Sole Manager and President of Williams Chrysler, LP; Williams Chrysler Holding, LLC; Jack Williams Chevrolet Holding, LLC; and Jack Williams Chevrolet, LP.¹⁷
22. Also in his 2014 Financial Disclosure Report, Representative Williams identified a motor vehicle dealership as an asset worth between \$25 and \$50 million.¹⁸ He identified assets relating to the Jack Williams Chevrolet auto dealership with a combined value of at least several hundred thousand dollars.¹⁹ He reported income relating to the auto dealerships of between \$350,000 and \$3.1 million.²⁰
23. According to the National Auto Dealers Association, there are over 16,000 auto dealers in the United States;²¹ the Texas Auto Dealers Association reports that it represents over 1,300 franchised auto dealerships in the state.²² According to the Texas Department of Motor Vehicles, Representative Williams’ auto dealership was one of at least 2,800 licensed franchised dealerships in Texas in 2015.²³

¹⁵ *In the Matter of Shelley Berkley* at 42 (citations omitted).

¹⁶ See <http://www.rogerwilliams.com/dealership/about.htm>; <http://williams.house.gov/about/full-biography>.

¹⁷ Rep. Roger Williams, 2014 Amended Financial Disclosure Report (Exhibit 1 at 15-1202_0007-0008).

¹⁸ *Id.* at 15-1202_0004.

¹⁹ *Id.* at 15-1202_0002-0006.

²⁰ *Id.*

²¹ See <http://www.nada.org/about/>.

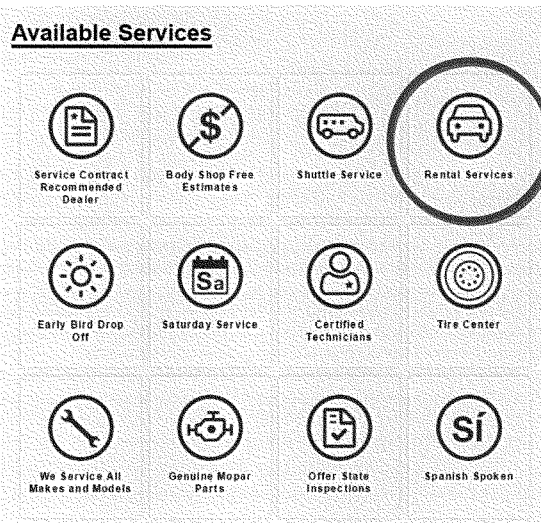
²² See <http://www.tada.org/web/Online>.

²³ See <http://www.txdmv.gov/dealers-portal/motor-vehicle-dealers>.

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24. According to its website, the Roger Williams Auto Mall offers customers rental vehicles, advising that “[r]ental vehicles [are] available while your vehicle is being serviced.”²⁴



25. Because neither Representative Williams nor the Roger Williams Auto Mall cooperated with the OCE review, the OCE was unable to determine the extent of the rental services component of the dealership’s business operations, including the number of vehicles available for rent or the revenue generated by the rental business.

26. In November 2015, the House of Representatives considered legislation to reauthorize federal surface transportation programs.²⁵ Included in this legislation was a provision to prohibit certain “rental companies” from renting vehicles subject to safety recalls.²⁶

27. On November 4, 2015, during debate on the transportation legislation, Representative Williams offered an amendment to limit the definition of a covered “rental company.”²⁷ Specifically, Representative Williams’ amendment inserted the word “primarily” before the phrase “engaged in the business of renting covered rental vehicles” in the definition of a covered “rental company,” effectively exempting entities, such as auto dealers, whose primary business is not the renting of vehicles.²⁸

²⁴ <http://www.rogerwilliams.com/service/index.htm>.

²⁵ See 161 CONG. REC. H7412 (daily ed. Nov. 3, 2015) (Exhibit 2 at 15-1202_0011-0012).

²⁶ H.R. 22 (Engrossed Amendment Senate), 114th Cong., § 34209 (Rental Car Safety) (2015) (Exhibit 3 at 15-1202_0014-0022).

²⁷ H.Amdt. 819, 114th Cong. (2015) (Exhibit 4 at 15-1202_0024).

²⁸ *Id.*

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28. At the outset of his floor statement in support of his amendment, Representative Williams identified himself as an auto dealer: "I am a second-generation auto dealer. I have been in the industry for most of my life. I know it well."²⁹
29. In his floor statement, Representative Williams explained that the purpose of his amendment was to "clarify" the provision's language "so it only applies to actual rental car companies, like it is supposed to. The definition in the underlying bill . . . is so broad that it sweeps up dealers who offer loaner vehicles or rentals as a convenience for their customers."³⁰
30. Although two Members of the House spoke in opposition to Representative Williams' amendment,³¹ the amendment passed the House by voice vote.³²
31. Because Representative Williams declined to cooperate with the OCE review, the OCE was unable to determine whether he or members of his congressional staff sought guidance from the Committee on Ethics prior to offering his amendment.
32. The legislation that was ultimately signed into law included a provision that differed from Representative Williams' proposal, but which had a similar effect: rather than limiting the prohibition to entities "primarily" engaged in the business of renting vehicles, the enacted provision exempts any "rental company" with a fleet of fewer than 35 vehicles from the prohibition on renting vehicles subject to safety recalls.³³ Representative Williams called the provision included in the final bill "a victory for small businesses."³⁴
33. When questions of a potential conflict of interest pertaining to the amendment were raised, Representative Williams issued a statement responding to the criticism:

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 recalls are created equal. . . Let's not forget that my technical amendment passed the House unanimously. . . I have extensive experience actually running a business . . . Unless a Member is a career politician . . . they have probably had at least one 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

²⁹ 161 CONG. REC. H7721 (daily ed. Nov. 4, 2015) (statement of Rep. Williams) (Exhibit 4 at 15-1202_0024).

³⁰ *Id.*

³¹ *Id.* at H7721-H7722 (daily ed. Nov. 4, 2015) (statements of Rep. Capps and Rep. Schakowsky) (Exhibit 4 at 15-1202_0024-0025).

³² *Id.* at H7722 (Exhibit 4 at 15-1202_0025); *see also* <https://www.congress.gov/amendment/114th-congress/house-amendment/819>.

³³ Pub. L. No. 114-94, § 24109(b) (Dec. 4, 2015) (Exhibit 5 at 15-1202_0027-0030).

³⁴ Maria Recio, *Texas Rep. Williams gets partial car dealer exemption in transportation bill*, McClatchy, Dec. 1, 2015 (available at <http://www.mcclatchydc.com/news/politics-government/congress/article47411910.html>).

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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?³⁵

III. CONCLUSION

34. Given the foregoing information, the Board finds that there is substantial reason to believe that Representative Williams' personal financial interest in his auto dealership may be perceived as having influenced his performance of official duties – namely, his decision to offer of an amendment to the surface transportation legislation.
35. Accordingly, the Board recommends that the Committee on Ethics further review the allegation that Representative Williams, by offering his amendment to surface transportation legislation, may have violated House rules and standards of conduct regarding conflicts of interest.

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

36. Representative Williams, by declining to provide information requested by the OCE, did not cooperate with the OCE review.
37. The Roger Williams Auto Mall, by declining to provide information requested by the OCE, did not cooperate with the OCE review.
38. The Board recommends the issuance of subpoenas to Representative Williams and the Roger Williams Auto Mall.

³⁵ Press Release, *Roger Williams Response to Amendment Review*, Nov. 24, 2015 (available at <http://williams.house.gov/media-center/press-releases/roger-williams-response-to-amendment-review>) (Exhibit 6 at 15-1202_0032-0033).

Exhibit 1



FINANCIAL DISCLOSURE REPORT

Clerk of the House of Representatives • Legislative Resource Center • 135 Cannon Building • Washington, DC 20515

FILER INFORMATION

Name: Hon. Roger Williams
Status: Member
State/District: TX25

FILING INFORMATION

Filing Type: Amendment Report
Filing Year: 2014
Filing Date: 11/5/2015

SCHEDULE A: ASSETS AND "UNEARNED" INCOME

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > \$1,000?
Edward Jones Brokerage Account ⇒ Chevron Corporation (CVX)		\$50,001 - \$100,000	Dividends	\$1,001 - \$2,500	<input type="checkbox"/>
Edward Jones Brokerage Account ⇒ Coach, Inc. (COH)	SP	None	Dividends	\$1 - \$200	<input type="checkbox"/>
Edward Jones Brokerage Account ⇒ Davis New York Venture Fund CL A	SP	\$1,001 - \$15,000	Capital Gains, Dividends	\$1,001 - \$2,500	<input type="checkbox"/>
Edward Jones Brokerage Account ⇒ General Electric Company (GE)	SP	\$1,001 - \$15,000	Dividends	\$1 - \$200	<input type="checkbox"/>
Edward Jones Brokerage Account ⇒ Gogo Inc. (GOGO)	SP	\$1,001 - \$15,000	None		<input type="checkbox"/>
Edward Jones Brokerage Account ⇒ Invesco Diversified Div Pd A	SP	\$1,001 - \$15,000	Capital Gains, Dividends	\$201 - \$1,000	<input type="checkbox"/>
Edward Jones Brokerage Account ⇒ Invesco Growth & Income Fund CL A	SP	\$1,001 - \$15,000	Capital Gains, Dividends	\$201 - \$1,000	<input type="checkbox"/>
Edward Jones Brokerage Account ⇒	SP	\$1,001 - \$15,000	Capital Gains,	\$201 - \$1,000	<input type="checkbox"/>

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > \$1,000?
Invesco International Growth Fund CL A			Dividends		
Edward Jones Brokerage Account => Target Corporation (TGT)	SP	\$1,001 - \$15,000	Dividends	\$1 - \$200	<input type="checkbox"/>
Edward Jones Brokerage Account => Twitter, Inc. (TWTR)	SP	None	Capital Gains	\$1,001 - \$2,500	<input type="checkbox"/>
Edward Jones Brokerage Account => Twitter, Inc. (TWTR)		None	Capital Gains	\$15,001 - \$50,000	<input type="checkbox"/>
Edward Jones Brokerage Account => Walt Disney Company (DIS)	SP	\$1,001 - \$15,000	None		<input type="checkbox"/>
Jack Williams Chevrolet => 500 Main/Williams GP LLC LOCATION: Abledo/Parker, TX, US DESCRIPTION: Real estate		\$1,001 - \$15,000	None		<input type="checkbox"/>
Jack Williams Chevrolet => 500 Main/Williams, Ltd. LOCATION: Abledo/Parker, TX, US DESCRIPTION: Real estate		\$100,001 - \$250,000	None		<input type="checkbox"/>
Jack Williams Chevrolet => Jack Williams Chevrolet LOCATION: Fort Worth, TX, US DESCRIPTION: Motor Vehicle Dealership		\$1 - \$1,000	Interest, Royalties, Auto Dealership	\$100,001 - \$1,000,000	<input type="checkbox"/>
Jack Williams Chevrolet => PBC Network Crossing LOCATION: Austin/Travis, TX, US DESCRIPTION: Commercial real estate		None	None		<input type="checkbox"/>
Jack Williams Chevrolet => Pershing House LOCATION: Fort Worth/Tarrant, TX, US		\$100,001 - \$250,000	None		<input type="checkbox"/>
Jack Williams Chevrolet => Van Dyke Energy LOCATION: Houston/Harris, TX, US DESCRIPTION: Offshore drilling company		\$100,001 - \$250,000	None		<input type="checkbox"/>
Jack Williams Chevrolet => Walsh House		\$100,001 - \$250,000	None		<input type="checkbox"/>

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > \$1,000?
Location: Fort Worth/Tarrant, TX, US					
JRW Corporation or First Texas BHC, Inc.		\$50,001 - \$100,000	None		<input type="checkbox"/>
Description: Stock held in JRW Corporation					
JRW Corporation or JRW Corporation & Affiliates		\$25,000,001 - \$50,000,000	None		<input type="checkbox"/>
Location: Weatherford/Parker, TX, US Description: Motor Vehicle Dealer					
JRW II, LLC		\$1 - \$1,000	None		<input type="checkbox"/>
Location: Fort Worth/Tarrant, TX, US Description: Motor Vehicle Dealer					
Lake House		\$1,000,001 - \$5,000,000	None		<input type="checkbox"/>
Location: Marble Falls/Burnet, TX, US					
Museum Collectibles		\$1,000,001 - \$5,000,000	None		<input type="checkbox"/>
Description: Sports memorabilia, political & military artifacts, historical documents & photographs, & art.					
Note Receivable - Congressional Campaigns		None	None		<input type="checkbox"/>
Description: Received full payment in 2014.					
Note Receivable - Vestry Corporation Weatherford, TX		\$250,001 - \$500,000	None		<input type="checkbox"/>
Note Receivable - Williams Chrysler Dodge Jeep		\$1,000,001 - \$5,000,000	Interest	\$50,001 - \$100,000	<input type="checkbox"/>
Pedernales Electric Cooperative		\$1,001 - \$15,000	None		<input type="checkbox"/>
Description: Electric cooperative					
Personal Checking Account - Chase Bank		\$100,001 - \$250,000	None		<input type="checkbox"/>
Personal Checking Account - Legacy		\$1,001 - \$15,000	None		<input type="checkbox"/>
Personal Checking Account- Legacy Texas Bank SP		\$1,001 - \$15,000	Interest	\$1 - \$200	<input type="checkbox"/>

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > \$1,000?
Personal Money Market Account- Legacy Texas Bank	SP	\$1,001 - \$15,000	None		<input type="checkbox"/>
Personal Money Market Account- Legacy Texas Bank	JT	\$15,001 - \$50,000	None		<input type="checkbox"/>
Personal residence LOCATION: Weatherford/Parker, TX, US		\$1,000,001 - \$5,000,000	None		<input type="checkbox"/>
Quitana Energy Partners LOCATION: Houston/Harris, TX, US Description: Oil & Gas		\$250,001 - \$500,000	None		<input type="checkbox"/>
Temel Boulevard Car Wash ^{SP} Renzel Boulevard Car Wash LOCATION: Fort Worth/Tarrant, TX, US Description: Motor Vehicle Dealer		\$1 - \$1,000	Interest	\$1 - \$200	<input type="checkbox"/>
Vestry Corporation ^{SP} Palo Pinto Ranch LOCATION: Graford/Palo Pinto, TX, US		\$1,000,001 - \$5,000,000	None		<input type="checkbox"/>
Vestry Corporation ^{SP} The Blackstone Group L.P. LOCATION: New York/New York, NY, US Description: Investment and advisory firm		None	None		<input type="checkbox"/>
Vestry Corporation ^{SP} Vestry Corporation LOCATION: Weatherford/Parker, TX, US Description: Motor Vehicle Dealership		\$1 - \$1,000	Interest, Warranties	\$100,001 - \$1,000,000	<input type="checkbox"/>
Williams Chrysler Plymouth Dodge ^{SP} Rental Property LOCATION: Weatherford/Parker, TX, US		\$100,001 - \$250,000	Rent	\$5,001 - \$15,000	<input type="checkbox"/>
Williams Chrysler Plymouth Dodge ^{SP} Roger Williams Chrysler Plymouth Dodge LOCATION: Weatherford/Parker, TX, US Description: Motor Vehicle Dealer		\$1 - \$1,000	Interest, Auto Dealership, Rent	\$100,001 - \$1,000,000	<input type="checkbox"/>
Williams Irrevocable Life Insurance Trust ^{SP} Williams Family Irrevocable Trust, Fort Worth, TX		\$15,001 - \$50,000	Unearned Interest	None	<input type="checkbox"/>

Asset	Owner	Value of Asset	Income Type(s)	Income	Tx. > \$1,000?
Description: Life insurance policy (cash surrender value)					
Williams Irrevocable Life Insurance Trust		\$250,001 - \$500,000	Interest	\$5,001 - \$15,000	<input type="checkbox"/>
Description: Life insurance policy (cash surrender value)					
Xponential, Inc. (XPOI)		\$1,001 - \$15,000	None		<input type="checkbox"/>

* Asset class details available at the bottom of this form.

SCHEDULE B: TRANSACTIONS

Asset	Owner	Date	Tx. Type	Amount	Cap. Gains > \$200?
Edward Jones Brokerage Account -> Chevron Corporation (CVX)		01/3/2014	P	\$50,001 - \$100,000	
Edward Jones Brokerage Account -> Coach, Inc. (COH)	SP	05/21/2014	S	\$1,001 - \$15,000	<input type="checkbox"/>
Edward Jones Brokerage Account -> Twitter, Inc. (TWTR)		01/3/2014	S (partial)	\$1,001 - \$15,000	<input checked="" type="checkbox"/>
Edward Jones Brokerage Account -> Twitter, Inc. (TWTR)		01/3/2014	S (partial)	\$15,001 - \$50,000	<input checked="" type="checkbox"/>
Edward Jones Brokerage Account -> Twitter, Inc. (TWTR)	SP	02/25/2014	S	\$1,001 - \$15,000	<input checked="" type="checkbox"/>
Edward Jones Brokerage Account -> Twitter, Inc. (TWTR)		02/20/2014	S	\$15,001 - \$50,000	<input checked="" type="checkbox"/>
Vesury Corporation -> The Blackstone Group LP		05/17/2013	S	\$1,001 - \$15,000	<input checked="" type="checkbox"/>
Description: The 2013 final K-1 for Blackstone was not received until after the amended financial disclosure was filed July 3, 2014.					
Williams Irrevocable Life Insurance Trust		02/8/2014	P	\$15,001 - \$50,000	
Location: US					
Description: Life insurance policy (cash surrender value)					

* Asset class details available at the bottom of this form.

SCHEDULE C: EARNED INCOME

Source	Type	Amount
P.K. Flowers Interior	Spouse Salary	N/A
Williams Chrysler LP	Spouse Salary	N/A

SCHEDULE D: LIABILITIES

Owner	Creditor	Date Incurred	Type	Amount of Liability
	Roger Williams (RWCJD)	March 2009	Note Payable	\$500,001 - \$1,000,000
	Roger Williams (Vestry)	July 1995	Note Payable	\$250,001 - \$500,000
	Legacy Texas Bank	September 2009	Line of Credit	\$1,000,001 - \$5,000,000
	Legacy Texas Bank	December 2011	Line of Credit	\$500,001 - \$1,000,000
	Legacy Texas Bank	September 2012	Mortgage on Personal Residence (Horseshoe Bay)	\$250,001 - \$500,000
SP	Legacy Texas Bank	May 2013	Personal loan	\$10,000 - \$15,000
	Legacy Texas Bank	December 2009	Line of Credit	\$1,000,001 - \$5,000,000
SP	Legacy Texas Bank	March 2014	Personal Loan	\$15,001 - \$50,000
	Legacy Texas Bank	March 2014	Land Loan	\$500,001 - \$1,000,000

SCHEDULE E: POSITIONS

Position	Name of Organization
Sole Director & President	JRW Corporation
Sole Manager & President	Williams Chrysler, LP
Sole Manager & President	Williams Chrysler Holding, LLC
Sole Manager & President	Vestry Holding, LLC
Sole Manager & President	Jack Williams Chevrolet Holding, LLC
Sole Manager & President	Vestry, LP
Sole Manager & President	Jack Williams Chevrolet, LP

Position	Name of Organization
Sole Manager & President	JRW II, LLC
Director, President, Chairman, & Secretary	Renzel Boulevard Car Wash, Inc.
Board of Directors	Pennybacker Capital
Board of Trustees	Texas Christian University
Board of Trustees	Bush School of Government and Public Service
Board of Trustees	Davey O'Brien Foundation
Board of Directors	National Football Foundation and College Football Hall of Fame
Finance Committee	George W. Bush Presidential Center

SCHEDULE F: AGREEMENTS

None disclosed.

SCHEDULE G: GIFTS

None disclosed.

SCHEDULE H: TRAVEL PAYMENTS AND REIMBURSEMENTS

Source	Start Date	Trip Details		Days at Own Exp.	Inclusions		
		End Date	Itinerary		Lodging?	Food?	Family?
Sponsored by the Heritage Foundation	02/6/2014	02/7/2014	Washington DC - Richmond - Dallas - Fort Worth	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

SCHEDULE I: PAYMENTS MADE TO CHARITY IN LIEU OF HONORARIA

None disclosed.

SCHEDULE A AND B ASSET CLASS DETAILS

- o Edward Jones Brokerage Account (Owner: SP)
LOCATION: US
- o Edward Jones Brokerage Account
LOCATION: US
- o Jack Williams Chevrolet
LOCATION: US
- o JRW Corporation
LOCATION: US

- o Renzel Boulevard Car Wash
LOCATION: US
- o Vestry Corporation
LOCATION: US
- o Williams Chrysler Plymouth Dodge
LOCATION: US
- o Williams Irrevocable Life Insurance Trust

EXCLUSIONS OF SPOUSE, DEPENDENT, OR TRUST INFORMATION

IPO: Did you purchase any shares that were allocated as a part of an Initial Public Offering?

Yes No

Trusts: Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?

Yes No

Exemption: Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

Yes No

CERTIFICATION AND SIGNATURE

I CERTIFY that the statements I have made on the attached Financial Disclosure Report are true, complete, and correct to the best of my knowledge and belief.

Digitally Signed: Hon. Roger Williams, 11/5/2015.

Exhibit 2

November 3, 2015

CONGRESSIONAL RECORD—HOUSE

H7413

3 years ago of the Transportation and Infrastructure Committee, one of my highest priorities was passing a multiyear bill to improve our Nation's road, bridges, and transit systems. So I am very pleased that today the House is considering the Surface Transportation Reauthorization and Reform Act of 2015, the STRR Act.

I want to thank Chairman SAM GRAVES and our Democratic counterparts, Ranking Members DEFAZIO and NORTON, for helping to develop this bipartisan bill. Thanks in part to their hard work and willingness to work together, our committee unanimously approved the STRR Act 2 weeks ago.

This bill is absolutely critical to America and our economy. Transportation, in particular our surface transportation system, has a direct impact on our day-to-day quality of life. It affects how we get to work, how we get our kids home from school, and how much time we can spend with our families and friends instead of sitting in traffic. Transportation allows our country and our businesses to be competitive. Transportation is about supply chain, raw materials getting to the factories, products getting to markets, and what we pay for goods; and it is fundamentally what the STRR Act is all about.

To help put this legislation together, Mr. Chairman, our committee traveled to communities across this country and talked to transportation and business leaders about the need for this bill. What we heard is that our States and communities all have a variety of needs and that certainty over multiple years is necessary to address those needs. The STRR Act is a multiyear bill that provides that certainty for States and local governments. This bill helps improve our Nation's infrastructure and maintains a strong commitment to safety, but it also provides important reforms that will help us continue to do the job more effectively.

Key provisions in this bill will refocus—and that is important—our transportation programs on national priorities, promote innovation to make our surface transportation system and programs work better, provide greater flexibility for State and local governments to address their needs, streamline the Federal bureaucracy, accelerate the project approval process, and facilitate the flow of freight and commerce. The STRR Act continues the Federal role in providing a strong national transportation system, enables our country to remain economically competitive, and helps ensure our quality of life.

This bill has widespread support. We have received nearly 300 letters of support from throughout the stakeholder community, including Governors, mayors, cities, counties, AASHTO, Chamber of Commerce, National Association of Manufacturers, agriculture, construction industry, shippers, and many, many others.

Mr. Chairman, I strongly urge my colleagues to support this legislation

and look forward to working with the Senate to get a final measure to the President.

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

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Well, this has been a long time coming, and I congratulate the full committee chairman, the subcommittee chair, my ranking member, ELEANOR HOLMES NORTON, and all the members of the committee for moving forward a good, bipartisan product. None of us got everything we wanted in that bill, but there is a lot of good policy in there. The funding still leaves a lot to be desired.

It will begin to address the infrastructure crisis in America. Mr. Chairman, 140,000 bridges need substantial repair or replacement, and 40 percent of the road surface on the National Highway System has deteriorated to the point where you have to dig up the road and rebuild the road, not just resurface it, and on our major transit systems, our legacy transit systems, \$84 billion to bring them up to a state of good repair—\$84 billion. It is so bad that they are actually killing people here in Washington, D.C., because of the decrepit nature of the mass transit system.

Mr. Chairman, this bill will begin to deal with those issues. It will give the States a 6-year planning horizon so they can plan longer term projects. Longer term projects mean more bang for the buck and more jobs will be created.

The bill also increases the percentage for Buy America so we will create more jobs here in America in the area of transit. In fact, the strongest Buy America requirements for all Federal procurement—much stronger than the Pentagon—are in transportation. So these dollars recirculate in our economy. They employ Americans, and they subcontract with American small businesses. Those moneys recirculate in our communities and can create real growth and wealth.

But as I mentioned earlier, we are still not certain whether there will be amendments allowed, and a number of Members have contributed to the Rules Committee proposals to increase funding with one form or another of user fee. User fee has been the tradition since Dwight David Eisenhower said that this will be a self-funded program funded by gas tax. The Federal gas tax hasn't gone up since 1993—18.3 cents a gallon. There are many meritorious proposals to change that in different ways, to index it, to have a temporary increase with a commission, a barrel tax, and a straight-up increase in the gas tax to have it catch up with inflation. There is a myriad of them out there, and I hope that some are allowed and that this body is allowed to work its will.

Eight all-red States have raised their gas tax in the last year, and not a single State representative or senator has

been recalled or lost their election because of it. The American people get it. If they don't want to blow out their tires and break their rims in potholes, we need to invest. If they don't want to be detoured around closed or weight-limited bridges, we need to invest. If they wonder whether they are going to get there alive or get there at all when they get on a mass transit system, we need to invest at every level.

The investment is not what it should be in this bill, but there are many good policies. There are new, national, first-time-ever major freight and highway projects of national and regional importance. We need a focus on moving our freight more efficiently in this country. As I mentioned earlier, we are getting an increase in Buy America. We also reform the workforce retraining programs which will create career pathways for minorities, women, veterans, individuals with disabilities, and low-income workers.

It boosts funding for railway-highway grade crossings to save lives and improve safety, motor carrier safety grants, and National Highway Traffic Safety Administration grants. It ensures higher standards for transit safety, protects bus driver safety, and encourages States to provide mental health and substance abuse treatment for DUI offenders.

It improves safety for the transport of hazardous materials and provides critical protections for crude-by-rail shipments. It will provide more information for State emergency responders, and it will require comprehensive— it is amazing we don't have that now—oil spill response plans, and it will increase the safety of oil tank cars by requiring thermal blankets and other improvements.

All in all, there is much, much to commend in this bill. It also looks to the future, and it would put in \$15 billion to allow States to test new ways of raising the money necessary to rebuild, maintain, and improve the efficiency of our national transportation system, whether it would be vehicle miles traveled or other, new innovative ideas, and that is what we have got to look toward in the future. We cannot continue just on a gas and diesel tax forever.

So I, again, applaud the chairman, the subcommittee chairman, and my colleagues on the committee. I look forward to a long, robust, and open debate over amendments. Hopefully the bill will come out of that process improved and not damaged and will get broad support here on the floor of the House.

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

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DENHAM), the subcommittee chairman on Railroads, Pipelines, and Hazardous Materials.

Mr. DENHAM. Mr. Chairman, I thank Mr. DEFAZIO and Mr. CAPRANO for working with us on title VII of this

Exhibit 3

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1 erating, or other agreement between the dealer
2 and the manufacturer.”; and

3 (3) by adding at the end the following:

4 “(2) *DEFINITION OF OPEN RECALL.*—In this sub-
5 section, the term ‘open recall’ means a recall for
6 which a notification by a manufacturer has been pro-
7 vided under section 30119 and that has not been rem-
8 edied under this section.”.

9 **SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF**
10 **TIRE DEFECTS.**

11 Section 30120(b) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (1), by striking “60 days” and
14 inserting “180 days”; and

15 (2) in paragraph (2), by striking “60-day” each
16 place it appears and inserting “180-day”.

17 **SEC. 34209. RENTAL CAR SAFETY.**

18 (a) *SHORT TITLE.*—This section may be cited as the
19 “Rachel and Jacqueline Houck Safe Rental Car Act of
20 2015”.

21 (b) *DEFINITIONS.*—Section 30102(a) is amended—

22 (1) by redesignating paragraphs (10) and (11)
23 as paragraphs (12) and (13), respectively;

24 (2) by redesignating paragraphs (1) through (9)
25 as paragraphs (2) through (10), respectively;

1 (3) by inserting before paragraph (2), as redesignated, the following:

2 “(1) ‘covered rental vehicle’ means a motor vehicle that—

3 “(A) has a gross vehicle weight rating of
4 10,000 pounds or less;

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

6 “(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

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

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

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

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

11 (c) *REMEDIES FOR DEFECTS AND NONCOMPLIANCE.*—

12 Section 30120(i) is amended—

13 (1) in the subsection heading, by adding “, OR RENTAL” at the end;

14 (2) in paragraph (1)—

15 (A) by striking “(1) If notification” and inserting the following:

- 1 “(1) *IN GENERAL.—If notification*”;
- 2 *(B) by indenting subparagraphs (A) and*
- 3 *(B) four ems from the left margin;*
- 4 *(C) by inserting “or the manufacturer has*
- 5 *provided to a rental company notification about*
- 6 *a covered rental vehicle in the company’s posses-*
- 7 *sion at the time of notification” after “time of*
- 8 *notification*”;
- 9 *(D) by striking “the dealer may sell or*
- 10 *lease,” and inserting “the dealer or rental com-*
- 11 *pany may sell, lease, or rent”;* and
- 12 *(E) in subparagraph (A), by striking “sale*
- 13 *or lease” and inserting “sale, lease, or rental*
- 14 *agreement”;*
- 15 (3) *by amending paragraph (2) to read as fol-*
- 16 *lows:*
- 17 “(2) *RULE OF CONSTRUCTION.—Nothing in this*
- 18 *subsection may be construed to prohibit a dealer or*
- 19 *rental company from offering the vehicle or equip-*
- 20 *ment for sale, lease, or rent.”;* and
- 21 (4) *by adding at the end the following:*
- 22 “(3) *SPECIFIC RULES FOR RENTAL COMPA-*
- 23 *NIES.—*
- 24 “(A) *IN GENERAL.—Except as otherwise*
- 25 *provided under this paragraph, a rental com-*

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1 pany shall comply with the limitations on sale,
2 lease, or rental set forth in subparagraph (C)
3 and paragraph (1) as soon as practicable, but
4 not later than 24 hours after the earliest receipt
5 of the notice to owner under subsection (b) or (c)
6 of section 30118 (including the vehicle identifica-
7 tion number for the covered vehicle) by the rental
8 company, whether by electronic means or first
9 class mail.

10 “(B) SPECIAL RULE FOR LARGE VEHICLE
11 FLEETS.—Notwithstanding subparagraph (A), if
12 a rental company receives a notice to owner cov-
13 ering more than 5,000 motor vehicles in its fleet,
14 the rental company shall comply with the limi-
15 tations on sale, lease, or rental set forth in sub-
16 paragraph (C) and paragraph (1) as soon as
17 practicable, but not later than 48 hours after the
18 earliest receipt of the notice to owner under sub-
19 section (b) or (c) of section 30118 (including the
20 vehicle identification number for the covered ve-
21 hicle) by the rental company, whether by elec-
22 tronic means or first class mail.

23 “(C) SPECIAL RULE FOR WHEN REMEDIES
24 NOT IMMEDIATELY AVAILABLE.—If a notification
25 required under subsection (b) or (c) of section

1 30118 indicates that the remedy for the defect or
2 noncompliance is not immediately available and
3 specifies actions to temporarily alter the vehicle
4 that eliminate the safety risk posed by the defect
5 or noncompliance, the rental company, after
6 causing the specified actions to be performed,
7 may rent (but may not sell or lease) the motor
8 vehicle. Once the remedy for the rental vehicle be-
9 comes available to the rental company, the rental
10 company may not rent the vehicle until the vehi-
11 cle has been remedied, as provided in subsection
12 (a).

13 “(D) *INAPPLICABILITY TO JUNK AUTO-*
14 *MOBILES.*—Notwithstanding paragraph (1), this
15 subsection does not prohibit a rental company
16 from selling a covered rental vehicle if such vehi-
17 cle—

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

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

23 “(iii) is reported to the National Motor
24 Vehicle Information System, if required

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1 under section 204 of such Act (49 U.S.C.
2 30504).”.

3 (d) *MAKING SAFETY DEVICES AND ELEMENTS INOP-*
4 *ERATIVE.*—Section 30122(b) is amended by inserting “rent-
5 *al company,*” after “dealer,” each place such term appears.

6 (e) *INSPECTIONS, INVESTIGATIONS, AND RECORDS.*—
7 Section 30166 is amended—

8 (1) in subsection (c)(2), by striking “or dealer”
9 each place such term appears and inserting “dealer,
10 or rental company”;

11 (2) in subsection (e), by striking “or dealer” each
12 place such term appears and inserting “dealer, or
13 rental company”; and

14 (3) in subsection (f), by striking “or to owners”
15 and inserting “, rental companies, or other owners”.

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

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

20 (2) other activities of rental companies (as de-
21 fined in section 30102(a)(11) of title 49, United
22 States Code) related to their use and disposition of
23 motor vehicles that are the subject of a notification re-
24 quired under section 30118 of title 49, United States
25 Code.

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1 (g) *STUDY.*—

2 (1) *ADDITIONAL REQUIREMENT.*—Section
3 32206(b)(2) of the Moving Ahead for Progress in the
4 21st Century Act (Public Law 112–141; 126 Stat.
5 785) is amended—

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

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

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

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

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

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

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

20 “(c) *REPORTS.*—

21 “(1) *INITIAL REPORT.—Not later*”;

22 (C) in paragraph (1), by striking “sub-
23 section (b)” and inserting “subparagraphs (A)
24 through (E) and (G) of subsection (b)(2)”; and

25 (D) by adding at the end the following:

1 “(2) *SAFETY RECALL REMEDY REPORT*.—Not
2 later than 1 year after the date of the enactment of
3 the ‘Raechel and Jacqueline Houck Safe Rental Car
4 Act of 2015’, the Secretary shall submit a report to
5 the congressional committees set forth in paragraph
6 (1) that contains—

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

9 “(B) any recommendations for legislation
10 that the Secretary determines to be appro-
11 priate.”.

12 (h) *PUBLIC COMMENTS*.—The Secretary shall solicit
13 comments regarding the implementation of this section from
14 members of the public, including rental companies, con-
15 sumer organizations, automobile manufacturers, and auto-
16 mobile dealers.

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

19 (1) may be construed to create or increase any
20 liability, including for loss of use, for a manufacturer
21 as a result of having manufactured or imported a
22 motor vehicle subject to a notification of defect or
23 noncompliance under subsection (b) or (c) of section
24 30118 of title 49, United States Code; or

Exhibit 4

November 4, 2015

CONGRESSIONAL RECORD—HOUSE

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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 563, 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.

The Chair recognizes the gentleman from Texas.

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 such, my one-word amendment will fix Senate language that puts unintentional new burdens on all rental car establishments.

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 loaner vehicles or rentals as a convenience for their customers. My amendment leaves the regulations on all rental car companies, which compromise 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 matters 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 this 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, 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-

istration the authority to add more regulatory burdens as appropriate, and that is too open-ended.

Without my amendment, this bill could make it impractical for small-business dealers to provide loaner or rental cars to their customers because it mandates vehicles be grounded for minor compliance matters with a minimal impact on safety, and that is not what Congress' intent is or should be.

Madam Chair, in tax law, employment law, and other areas, Congress has recognized the difference between big business and small business. Let's not regulate our Main Street businesses like multinational corporations. Frankly, Main Street is hurting enough as it is.

Vote "yes" on the Williams amendment.

I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Chair, Mr. WILLIAMS' amendment unreasonably limits the application of the Raechel and Jacqueline Houck Safe Rental Car Act that is included in the Senate amendments to H.R. 22.

I yield 3 minutes to the gentleman from California (Mrs. CAPPs), the woman who has really been a leader for safety in the car rental field.

Mrs. CAPPs. Madam Chair, I thank my colleague for yielding.

Madam Chair, I rise in strong opposition to the Williams amendment.

This amendment would needlessly exempt auto dealers from critical vehicle safety requirements included in the underlying bill.

While Federal law currently prohibits auto dealers from selling new cars subject to a recall, there is no similar law prohibiting rental companies or auto dealers from renting or loaning out unrecalled recalled vehicles.

I introduced the Raechel and Jacqueline Houck Safe Rental Car Act to close this loophole and prohibit rental car companies and auto dealers from renting or loaning vehicles under safety recall until they are fixed, and I am pleased this legislation is in the underlying bill.

This harmful amendment, however, would put lives at risk by exempting auto dealers from complying with this commonsense safety requirement.

GM, Honda, Chrysler, and other car manufacturers who have issued safety recalls, are loaning out tens of thousands of cars to customers while the repairs are being made. Consumers expect that the loaner cars they receive when they take their own cars into a dealership for repairs are safe to drive.

But rather than ensure these loaners are safe, the Williams amendment would allow car dealers to give out loaner cars that have the same exact defect as the car that is being repaired.

The auto dealers are justifying this amendment by claiming that some

safety recalls aren't actually important enough to require immediate repairs. This is ridiculous. NHTSA does not issue frivolous recalls. All safety recalls pose serious safety risks and should be fixed as soon as possible. Any claim otherwise is simply not true.

Madam Chair, it only takes one car with an unrecalled safety recall to tragically end a life. That is what happened to Raechel and Jackie Houck when their rented PT Cruiser caught fire and crashed into a tractor-trailer due to an unrecalled recall. And that is what happened to Jewel Brangman when she was killed by the unrecalled Takata airbag in her rented Honda Civic.

Loaned cars from auto dealers should be no different. The Williams amendment would let these auto dealers off the hook and allow them to loan out defective cars to unsuspecting consumers. It creates a nonsensical double standard for rentals and loaner cars not based on how unsafe they are, but based on who is renting or loaning them to the public. Keeping unrecalled recalled cars parked in the lot and out of the hands of consumers is common sense.

I urge my colleagues to join me in opposing the Williams amendment to ensure all consumers can be confident that their rental car or their loaner car is safe to drive, regardless of whether they get it from a rental company or a dealership.

Ms. SCHAKOWSKY. Madam Chair, I thank the gentleman for her leadership.

I understand that everyone has car dealerships in their districts and they are an important part of our economy, but this amendment serves one purpose and one purpose only: allowing car dealers and rental car companies to evade responsibility.

Just like rental car companies, car dealerships rent and lease vehicles regularly. And just like rental car companies, car dealerships should not be renting or leasing cars that are subject to a safety recall without first repairing the defect. These are safety recalls on cars the auto manufacturers themselves have deemed necessary to repair.

Can you imagine bringing your car to a dealer to get a deadly Takata airbag replaced and then being given a loaner car with the same deadly Takata airbag to drive while your car is being repaired? That is the situation that this amendment would allow.

Of all those subjected to the Safe Rental Car Act, car dealerships are in the best position to fix these recalled cars quickly.

Instead of this amendment, which weakens the Senate provision, the Rules Committee should have made in order the gentleman's amendment expanding the provision to ensure used cars are not sold until recalls are fixed.

Whether or not renting cars is the company's primary business makes no business. A defective car is a defective car.

H7722

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November 4, 2015

Rental companies and auto dealers alike have a responsibility to their customers, and we have a responsibility to ensure that consumers' lives are not put 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. And the 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 created equal.

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. But that could happen. That could happen.

So if you are telling me that, because the wrong 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 to this 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 our part of our extended families.

But somehow 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 them 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, to group 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 will tell you what. I wish some of these ridiculous amendments would expire.

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

□ 2345

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 misspelled 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, drop their kids off at 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. 14 OFFERED BY MR. KINZINGER OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 114-326.

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 subtitle B of title XXXIV of division C, add the following:

SEC. 3426. AVAILABILITY OF CERTAIN INFORMATION ON MOTOR VEHICLE EQUIPMENT.

Section 3018 of title 49, United States Code, is amended by adding at the end the following:

"(D) INFORMATION ON DEFECTIVE OR NON-COMPLIANT 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 under paragraph (1), a manufacturer of motor vehicles shall—

"(A) identify the vehicle identification number for each affected vehicle; and

"(B) not later than 5 business days after receiving such notification, provide to the Secretary, in a searchable format determined by the Secretary—

"(i) the vehicle identification numbers identified under subparagraph (A); and

"(ii) the specific part names, numbers, and descriptions used by the manufacturer for all affected parts the sale or lease of which is prohibited by section 30126(a).

"(3) AVAILABILITY OF INFORMATION ON THE INTERNET.—In the case of information provided by a manufacturer under paragraph (2)(B), the Secretary shall make such information available, or require the manufacturer to make such information available, on an Internet website that may be accessed by any person who sells or leases motor vehicle equipment for purposes of assisting such person in complying with section 30120(j). Such information shall be made available in real-time or near-real-time as provided under paragraph (2)(B) and at no cost to the person obtaining access.

"(4) INFORMATION ON ORIGINAL EQUIPMENT.—Not later than July 31, 2016, a manufacturer of motor vehicles shall make available on an Internet website information about the original equipment contained in such vehicles, which shall include—

"(1) all parts or component numbers for such equipment; and

"(2) specific part names and descriptions associated with each manufacturer vehicle identification number."

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

The Chair recognizes the gentleman from Illinois.

Mr. KINZINGER of Illinois. Madam Chair, I yield myself such time as I may consume.

I rise today to offer an amendment that would improve vehicle safety and ensure that businesses have the necessary information to comply with section 8 of the TREAD Act.

Every day, professional automotive recyclers sell over a half a million original equipment manufacturer parts which are harvested from total loss or end-of-life vehicles and are resold to consumers, repair shops, and dealers. These parts are designed by auto-makers and are manufactured to meet their requirements. Even when a vehicle may reach the end of its useful life, many parts have a greater lifespan and can be subsequently recycled, resold, and reused. This offers consumers with additional choice to purchase a quality recycled part at a lower cost.

In 2009, Congress enacted the TREAD Act to increase vehicle safety by prohibiting the resale of recycled auto parts that are subject to a recall and have not been remedied. Congress passed this legislation with the safety of the driving public in mind. However, the ability of professional automotive recyclers to identify and remove recalled parts from the supply chain is severely limited.

Earlier this year, Secretary Foxx responded to a question for the record on this subject following a House Transportation and Infrastructure Committee hearing. He recommended that

Exhibit 5

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(2) in paragraph (2), by striking “60-day” each place it appears and inserting “180-day”.

SEC. 24103. RENTAL CAR SAFETY.

(a) **SHORT TITLE.**—This section may be cited as the “Raechel and Jacqueline Houck Safe Rental Car Act of 2015”.

(b) **DEFINITIONS.**—Section 30102(a) of title 49, United States Code, 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 35 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 35 or more covered rental vehicles, on average, during the calendar year.”

(c) **REMEDIES FOR DEFECTS AND NONCOMPLIANCE.**—Section 30120(i) of title 49, United States Code, 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 possession at the time of notification” after “time of notification”;

(D) by striking “the dealer may sell or lease,” and inserting “the dealer or rental company 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 follows:

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.”; and

(4) by adding at the end the following:

“(3) **SPECIFIC RULES FOR RENTAL COMPANIES.**—

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"(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) 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 (1) 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 (a).

"(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 204 of such Act (49 U.S.C. 30504).^b

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) of title 49, United States Code, is amended by inserting "rental company," after "dealer," each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 of title 49, United States Code, 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".

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(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

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

(2) other activities of rental companies (as 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 required under section 30118 of title 49, United States Code.

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

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

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

“(c) REPORTS.—

“(1) INITIAL REPORT.—Not later”; 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 ‘Raechel 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.”.

(h) 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.

H. R. 22—398

(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. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) **INCREASE IN CIVIL PENALTIES.**—Section 30165(a) of title 49, United States Code, 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”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) **PUBLICATION OF EFFECTIVE DATE.**—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “Not later than” and indenting appropriately; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

“(A) in compliance with—

“(i) the requirements of subchapter 1 of chapter 96 of title 15; or

“(ii) the requirements of a State law under section 7002(a) of title 15; and

“(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

“(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.”

SEC. 24112. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “may” and inserting “shall”, and

(2) by adding at the end the following:

“(3) **DEADLINE.**—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).”

Exhibit 6

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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APPENDIX 2

BEFORE THE COMMITTEE ON ETHICS
OF THE
UNITED STATE HOUSE OF REPRESENTATIVES

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In The Matter of Allegations Relating)
To Representative Roger Williams)
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**JOINT RESPONSE FROM REPRESENTATIVE ROGER WILLIAMS AND
WILLIAMS CHRYSLER, LTD. D/B/A ROGER WILLIAMS AUTOMALL**

I. INTRODUCTION

This matter was initiated by a letter from the Campaign Legal Center sent to the House Committee on Ethics (the "Committee") and the Office of Congressional Ethics ("OCE").¹ The letter, while admitting the rules governing the issue at hand are vague, bases its allegations against Representative Roger Williams on nothing more than misguided assumptions and an exceptionally rigid and impractical application of the ethical rules governing Members. When Representative Williams offered his amendment ("Amendment 819") to H.R. 22, the surface transportation reauthorization legislation, he did so ethically, without any improper motivations, and without any desire or possible effect of personal gain.

II. BACKGROUND

On November 4, 2015, Representative Williams offered an amendment to H.R. 22 to clarify that its provision regarding the restrictions on renting vehicles with a safety recall notice only applies to businesses that are actually engaged in the business of renting cars.² He did so because he's a "second-generation car dealer"³ and knows firsthand how the bill, as it was originally written, could be misconstrued to affect the 16,000-plus car dealerships across the

¹ See <http://www.campaignlegalcenter.org/sites/default/files/Ltr%20to%20HEC%20and%20OCE%20re%20Rep%20Williams.pdf>.

² H. Amdt. 819, 114th Cong. (2015). Specifically, Amendment 819 was a one-word amendment inserting "primary" before the phrase "engaged in the business of renting covered rental vehicles" in order to exempt entities such as automotive dealers who rent cars from the provision.

³ 161 CONG. REC. H7721 (daily ed. Nov. 4, 2015) (statement of Rep. Williams).

country.⁴ This amendment reflected the position of the automobile dealer's trade association, which had requested that Representative Williams offer the amendment. Notwithstanding the fact that he owns one of those 16,000-plus dealerships (the "Dealership"), the economics of his Dealership's loaner vehicle program demonstrate that Representative Williams did not expect to receive any financial benefit from the passage of Amendment 819.

A. HISTORY OF AMENDMENT 819

During the initial consideration of H.R. 22, Representative Williams and his staff were encouraged by the National Automotive Dealers Association ("NADA") to offer Amendment 819. NADA did so because there was a great deal of uncertainty on the status of the relevant provision in H.R. 22, and they knew Representative Williams understood the issue and was the perfect spokesperson for a proposal to limit the safety recall restriction on such short notice. No one involved at the time—not Representative Williams, not his staff, not NADA—had any reason to contemplate the possibility that this ordinary legislative effort could somehow be interpreted as unethical conduct by virtue of the basic fact that Representative Williams owns an automotive dealership. Rather, his motivation for offering Amendment 819 was simply to provide a commonsense clarification to poorly written legislation.

The true origin of Amendment 819 began with an email from Michael Harrington of NADA to Sean Dillion, Representative Williams's legislative director, on the morning of October 29.⁵ A few hours later, Mr. Dillion asked J. Spencer Freebairn, Representative Williams's Deputy Chief of Staff, to contact Mr. Harrington to discuss issues surrounding H.R. 22.⁶ Mr. Freebairn did so, and by that afternoon NADA had sent proposed language for Amendment 819 to him.⁷ Subsequently, Mr. Freebairn and Mr. Harrington emailed over the next few days in the lead-up to H.R. 22's consideration. This process entailed Representative Williams agreeing to offer Amendment 819,⁸ filing the amendment with the Rules Committee,⁹ and a Rules Committee determination to allow its consideration. Because this was somewhat of an "unusual process,"¹⁰ there was great uncertainty whether Amendment 819 would even be needed and, if so, whether or not it would be allowed on the Floor.¹¹ Once the Rules Committee determined that Amendment 819 could be considered, Representative Williams met with Mr. Harrington to further discuss legislative strategy.¹² All of this happened in a relatively

⁴ See <http://www.nada.org/about/>. There are also approximately 1,300 franchised auto dealerships in the State of Texas. <http://www.tada.org/web/Online>.

⁵ Appendix D, Sean Dillion emails, p. 8.

⁶ Appendix D, Spencer Freebairn emails, p. 7-8.

⁷ Appendix D, Spencer Freebairn emails, p. 48.

⁸ Appendix D, Spencer Freebairn emails, p. 44.

⁹ Appendix D, Spencer Freebairn emails, p. 39.

¹⁰ Appendix D, Spencer Freebairn emails, p. 49.

¹¹ Appendix D, Sean Dillion emails, p. 5.

¹² Appendix D, Spencer Freebairn emails, p. 19.

compressed schedule for such a massive piece of legislation, and never once were questions raised about any impropriety with respect to Representative Williams's involvement.¹³

Amendment 819 was eventually adopted by the House of Representatives by a voice vote and was included in the bill that went to conference committee;¹⁴ however, the language of Amendment 819 ultimately was not included in the final bill because it was struck in conference. Instead, the minimum car requirement contained in the relevant portion of the legislation, was increased from 4 to 35, which was the language that was ultimately signed into law.¹⁵ Even at this point, no one involved suspected that any of this had been questionable activity. In fact, Representative Williams continued to stand by his actions publicly.¹⁶ It wasn't until Vince Zito, Representative Williams's Communication Director, was contacted by a reporter from the Fort Worth Star-Telegram that the potential issue was raised.¹⁷ That reporter had read allegations contained in an article written by the organization known as "the Center for Public Integrity,"¹⁸ and it was this article that also spurred the CLC to write its letter alleging impropriety.¹⁹

B. THE ECONOMICS OF RENTAL AND LOANER VEHICLES AT THE DEALERSHIP

As a preliminary matter, it is simply not true that Representative Williams's actions of offering and supporting Amendment 819 "would benefit his own business."²⁰ In fact, the Dealership makes no profit (i) from facilitating rental vehicles or (ii) in offering loaner vehicles for its customers.

With respect to rental vehicles provided to customers, such rentals are provided at either the customer's own expense, covered and paid for by Fiat Chrysler Automobiles ("FCA"), or covered and paid for by an extended warranty company.²¹ In these instances, the Dealership only provides the convenience of a relationship with a nearby rental company, Enterprise Rental, and at a special rate that is given to dealerships established by an agreement between FCA and Enterprise: \$30 per day, taxes included.²² The Dealership does not mark up rental fees for profit.²³ If a customer is still covered by FCA or has an extended warranty, then the Dealership facilitates the rental by arranging the services with Enterprise, paying the Enterprise bill on

¹³ Further, regardless of any allegations or innuendo, there were absolutely no communications between the Dealership and Representative Williams or his staff regarding H.R. 22 or Amendment 819.

¹⁴ 161 CONG. REC. H7722 (daily ed. Nov. 4, 2015).

¹⁵ Pub. L. No. 114-94, § 24109(b) (Dec. 4, 2015).

¹⁶ See Maria Recio, *Texas Rep. Williams gets partial car dealer exemption in transportation bill*, McClatchy, Dec. 1, 2015).

¹⁷ Appendix D, Spencer Freebairn emails, p. 4.

¹⁸ *Id.*

¹⁹ See

<http://www.campaignlegalcenter.org/sites/default/files/Ltr%20to%20HEC%20and%20OCE%20re%20Rep%20Williams.pdf>.

²⁰ *Id.*

²¹ Appendix F, RE Rental/Loaner Vehicle Information.

²² *Id.*

²³ *Id.*

behalf of the customer,²⁴ and adding the cost to the customer's bill to the Dealership.²⁵ The Dealership then receives a reimbursement from FCA or the extended warranty company, as applicable. If the Dealership does not get a reimbursement, it still pays Enterprise and takes the loss. In fact, more times than not, the Dealership pays for rental expenses exceeding what the warranty company allows, a scenario usually attributable to parts delays or shop scheduling.²⁶ If a customer is not covered by FCA or an extended warranty, the Dealership facilitates the rental by arranging the services with Enterprise, paying the Enterprise bill, and adding the actual cost to the customer's bill without mark-up.²⁷ Therefore, in the best case scenario, the Dealership will break even by facilitating rental vehicles for its customers.²⁸ In all others, the Dealership will lose money on facilitating rental vehicles.

With respect to loaner vehicles provided to customers, the Dealership has a fleet of eight loaners from their new inventory; four were purchased in 2014 and an additional four were purchased in 2015.²⁹ In contrast to the rental cars, where the Dealership hopes to break even in the best case scenario, the Dealership's loaner vehicles are provided to customers at a loss in every single instance. This is the case because the Dealership must pay all of the costs associated with the vehicle (e.g., the carry costs, the insurance, maintenance, etc.), does not charge the customer to use the vehicle, and only occasionally recoups a small reimbursement from FCA for the use.³⁰ Again, customers are never charged by the Dealership or a third party. In 2015, the Dealership received approximately \$20,000 in 2015 in income for the loaner vehicles and spent at least \$60,000 on them.³¹ Thus, the Dealership lost \$40,000 last year alone by offering this service to its customers. Granted, the service is aimed at creating goodwill between the Dealership and its customers, but simply put, the provision of loaner vehicles is not a profitable enterprise, regardless of the fleet size or whether any of the eight vehicles are on recall.

Ultimately, whether it's a rental vehicle or loaner vehicle provided to customers, the passage of Amendment 819 would have had zero bearing on Representative Williams's business interests. The result of limiting the application of the rental car provision in H.R. 22 resulted in no net financial benefit to the Dealership. The Dealership never makes money in facilitating rental vehicles, whereas offering loaner vehicles creates a small revenue stream from FCA reimbursements that is neatly offset by the significant costs of owning, using, and maintaining these vehicles.

Furthermore, we would be remiss if we focused solely on the Dealership's financial losses incurred by directing its customers to Enterprise for rentals or loaning out its own fleet

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ In reference to the website link stating "Rental Service." This is a format provided by Fiat Chrysler Automobiles ("FCA"). You will see it on most dealer websites.

²⁹ *Id.*

³⁰ Appendix F, RE Rental/Loaner Vehicle Information.

³¹ Appendix F, LOANERS.

without also pointing out that it is disputable that the relevant provision in H.R. 22, in the absence of Amendment 819, would have even applied to the Dealership's fleet of loaner vehicles.³²

C. PROCEDURAL HISTORY

The CLC submitted its letter on November 23, 2015.³³ OCE initiated its review in this matter on January 5, 2016³⁴ and Representative Williams's, via counsel, submitted his response to the OCR request for information on March 1, 2016.³⁵ OCE voted to refer the matter to the Committee on April 22, 2016, and its report was transmitted to the Committee on May 13, 2016.³⁶ Representative Williams received notice that the Committee had authorized an investigation on June 24, 2016,³⁷ and the documents requested were delivered to the Committee on July 22, 2016.

III. HOUSE RULES, LAWS, REGULATIONS, OTHER STANDARDS OF CONDUCT, AND ETHICS COMMITTEE PRECEDENT

The rules that are allegedly implicated by Representative Williams's actions are found in House Rule 23, Section 5 of the Code of Ethics for Government Service, and past Committee decisions.

House Rule XXIII, in relevant part, reads: "A Member . . . may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress."³⁸ In short, a Member may not use his official position for personal gain.³⁹ Members must also adhere to the spirit of the rules and reflect creditably on the House.⁴⁰ Thus, they should "avoid situations in which even an inference might be drawn suggesting improper conduct."⁴¹

The *Ethics Manual* elaborates that Member actions "such as sponsoring legislation, advocating or participating in an action by a House Committee, or contacting an executive

³² See IV. Part A *infra*.

³³ See

<http://www.campaignlegalcenter.org/sites/default/files/Ltr%20to%20HEC%20and%20OCE%20re%20Rep%20Williams.pdf>.

³⁴ Appendix A, Williams SNR.

³⁵ Appendix A, 2016-03-01 RWilliams Ltr to OCE.

³⁶ See OCE Review No. 15-1202

³⁷ See Letter from Chairman and Ranking Member, House Committee on Ethics to Representative Roger Williams.

³⁸ House Rule XXIII, cl. 3.

³⁹ See 114 *Cong. Rec.* 8807 (April 3, 1968) (statement of Rep. Price).

⁴⁰ House Rule XXIII, cl. 1-2.

⁴¹ *House Ethics Manual* at 27 (2008) (hereinafter *Ethics Manual*).

branch agency . . . entail degree of advocacy above and beyond that involved in voting.”⁴² Thus, “a Member’s decision on whether to take any such action on a matter that may affect his or her personal financial interests requires added circumspection.”⁴³ Nevertheless, the *Ethics Manual* states that the Committee views potential issues based not only on the personal financial interest at stake, but also on the relative scope of the action. Thus, “Members who happen to be farmers may nonetheless represent their constituents in communicating views on farm policy to the Department of Agriculture.”⁴⁴ Where a Member’s actions would serve his own *narrow* financial interest, the Member is advised to refrain from acting.⁴⁵ To resolve close calls the Manual states, “the Member *should* first contact the Standards Committee for guidance.”⁴⁶

In addition, the Code of Ethics for Government Service prohibits Members from accepting “favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”⁴⁷ It also provides that those in government service should “never discriminate unfairly by dispensing of special favors or privileges to anyone, whether for remuneration or not.”⁴⁸ These provisions, unlike those in the House Rules, do not require proof of a connection between an official action and compensation to the acting Member.

The most recent matter in which the Committee handled similar allegations was *In the Matter of Allegations Relating to Representative Phil Gingrey*. There, the Committee concluded that Representative Gingrey had acted improperly and in violation of the Code of Government Ethics in his assistance to a community bank in which he held a significant financial interest.⁴⁹ In *Gingrey*, the Committee found two suspect acts by Representative Gingrey. First, Representative Gingrey co-signed a letter to the Secretary of the Treasury advocating for the disbursement of funds to banks on equal terms.⁵⁰ Second, he arranged meetings between bank representatives and other congressional offices and executive branch officials.⁵¹ Both acts were prompted by, and at the behest of, the said community bank that Representative Gingrey had a financial interest in. Although the Committee found that his actions did not violate House Rule XXIII, clause 3, they determined that he did violate Section 5 of the Code of Ethics and clauses 1 and 2 of House Rule XXIII.⁵²

⁴² *Id.* at 237.

⁴³ *Id.* at 314.

⁴⁴ *Id.*

⁴⁵ *Id.* at 237 (emphasis added).

⁴⁶ *Id.* (emphasis added).

⁴⁷ Code of Ethics for Government Service ¶ 5.

⁴⁸ *Id.*

⁴⁹ See House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey*, 113th Cong. 2nd Sess. (2014) (hereinafter *Gingrey*)

⁵⁰ *Id.* at 4.

⁵¹ *Id.*

⁵² *Id.* at 13.

Two other matters provide guidance on these issues: *The Matter of Representative Shelley Berkley* and *In the Matter of Representative Newt Gingrich*. In *Berkley*, the Member was alleged to have been in violation when she had required staff to inquire with the Veterans Administration (“VA”) about the status of reimbursement payments owed to her husband’s medical practice.⁵³ The Committee found she had violated House Rule XXIII, clause 3 and clause 2 of Section 5 of the Code of Ethics.⁵⁴ In *Gingrich*, the Committee found that the Member was not in violation of these provisions by intervening with federal agencies on behalf of a constituent campaign donor.⁵⁵

IV. LEGAL ANALYSIS

A. THE LANGUAGE IN AMENDMENT 819 DOES NOT APPLY TO LOANER VEHICLES

The entire basis for this inquiry is founded on a simple misunderstanding. While the language of Amendment 819 applies only to “rental vehicles,” there has been a mistaken conflation of that term with “loaner vehicles.” Quite simply: Williams Auto Mall only offers the latter, not the former.⁵⁶ Thus, Representative Williams could not possibly have a personal or pecuniary interest in this amendment. Since he did not, he could not reasonably be in violation of the applicable rules by virtue of offering Amendment 819.

By its plain language, Amendment 819 and the relevant provision in H.R. 22 only apply to rental vehicles. “Rent” is defined as “[c]onsideration paid [usually] periodically, for the use or occupancy of property ([especially] real property).”⁵⁷ “Lend” is defined as “[t]o allow the temporary use of (something), sometimes in exchange for compensation, on condition that the thing or its equivalent be returned”⁵⁸ Although the two terms relate to the temporary grant of rights to a piece of property, the economic relationship at interest in them are inherently different. Renting requires compensation, while it is optional in regards to lending. And since renting and lending are distinct, a vehicle that is possessed for lending without compensation is not the same as a vehicle possessed for renting. Money is expected in return for renting an item, not necessarily so with lending. Amendment 819 dealt exclusively with rental vehicles; not vehicles to be lent without compensation.

The Dealership does not offer rental vehicles; it only facilitates rentals between its customers and a nearby Enterprise rental facility. That Enterprise facility would not have been

⁵³ See House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Shelley Berkley*, H. Rept. 112-716 2nd Sess. 49 (2012) (hereinafter *Berkley*).

⁵⁴ *Id.*

⁵⁵ See *Statement of the Comm. on Standard of Official Conduct Regarding Complaints Against Representative Newt Gingrich*, Mar. 8, 1990 (hereinafter *Gingrich*).

⁵⁶ See Appendix F, RE Rental/Loaner Vehicle Information.

⁵⁷ *Black’s Law Dictionary* 1322 (8th ed. 2004).

⁵⁸ *Black’s Law Dictionary* 921 (8th ed. 2004).

impacted by Amendment 819.⁵⁹ This is a key distinction, and because of it, it is apparent that Representative Williams would not have received a pecuniary benefit from Amendment 819's inclusion in the legislation. Contrary to the actual facts at hand, CLC's letter requesting an investigation by OCE and the Committee simply assumes that Amendment 819 applied to Representative Williams because he is an automotive dealer.⁶⁰ It is true that Amendment 819 affected automotive dealers who offered rental vehicles as a service, but contrary to the CLC's assumption, the Dealership does not.

Therefore, regardless of any other points that can be made regarding this inquiry, Representative Williams violated no provision of the Rules of House by virtue of his ownership of an automotive dealership. The Dealership does not offer rental vehicles, and the amendment only implicated rental vehicles. Thus, neither Amendment 819, nor the relevant provision of H.R. 22 that it amended, applied to the Dealership, which forecloses any potential personal or pecuniary interest in Representative Williams's actions with respect to offering or advocating for Amendment 819.

B. REPRESENTATIVE WILLIAMS RECEIVES NO SIGNIFICANT FINANCIAL BENEFIT FROM OFFERING LOANER VEHICLES OR FACILITATING RENTAL VEHICLES

Even assuming, *in arguendo*, that Amendment 819 applied to the Dealership, Representative Williams receives no net financial benefit from offering loaner vehicles or facilitating rental vehicles at the dealership. Thus, he was not in violation of any applicable rules or code of ethics by offering and supporting the amendment.

The Dealership made approximately \$63,000,000 in gross revenue in 2015. Of this amount, approximately \$20,000, or 0.03%, came about from loaning the eight vehicles in its loaner fleet.⁶¹ That revenue comes solely from a small reimbursement the Dealership receives from FCA and the tax offset that depreciation on the vehicles provides. Offsetting that \$20,000 revenue though, the eight vehicles cost the dealership at least \$60,000 in payments, fuel, and maintenance.⁶² As stated earlier, the only reason the Dealership offers loaner vehicles is as a service to its customers. There is no profit to be earned in this service, and any goodwill that the service brings to the Dealership is intangible and impossible to calculate as a monetized amount.

Essentially, the inclusion of Amendment 819 to H.R. 22 had no real effect on Representative Williams's business interest in the Dealership. Again, it is disputable that the language of Amendment 819 even applied to the Dealership; even if it did, the impact on the

⁵⁹ See fn. 28 *supra*.

⁶⁰ Granted, when Representative Williams spoke in support of Amendment 819, he too conflated rental vehicles and loaner vehicles and seemed to believe that the provision in question could affect dealerships offering loaner vehicles. Nevertheless, this was not the case and Representative Williams was also mistaken.

⁶¹ Appendix F, FW Loaner Income 2015.

⁶² Appendix F, LOANERS.

Dealership was negligible at best. Therefore, since clause 3 of House Rule XXIII requires some form of compensation to be present for a violation to occur,⁶³ any alleged violation on the part of Representative Williams is necessarily precluded. Although the Code of Ethics does not require compensation,⁶⁴ it is hard to imagine how Representative dispensed a special favor to the Dealership in this instance when the Dealership received nothing material by the inclusion of Amendment 819. Not only was the spirit of Representative Williams's amendment permissible and ethical given his own understanding and expectations, but his actions were also permissible and ethical even under a broad interpretation of the facts and applicable standards.

C. UNDER COMMITTEE PRECEDENT, REPRESENTATIVE WILLIAMS'S ACTIONS WERE ETHICAL

There is no Committee precedent for finding Representative Williams's amendment to be a violation of the House Rules or Code of Ethics. Further, a finding of this type would be an over-encompassing application of said rules and would severely limit Members' activities in the future.

In regard to clause 3 of House Rule XXIII, there is no evidence that Representative Williams took specific steps to advocate for a specific entity in which he had a financial interest. His offering of Amendment 819 was distinguishable from, and certainly less egregious than, the activity in *Berkley* (where a violation was found) and especially the activity in *Gingrey* (where no violation was found).

Representative Gingrey arranged meetings for representatives of a bank in which he held a financial interest. Even under these circumstances, in which he acted to assist representatives from an entity in which he had a financial interest to affect a policy that would affect that entity, the Committee determined there was no violation of this provision. The Committee determined that he was acting "as a member of a large class of community bank customers and investors."⁶⁵ In *Berkley*, the Member had staff inquire with the VA regarding the agency's lack of payments to her husband's medical practice, a much more definitive type of advocacy than what occurred in *Gingrey*.⁶⁶

Given the Committee's analyses in the *Berkley* and *Gingrey* matters, it is apparent that Committee precedent requires there to be very specific advocacy on behalf of a specific entity for the Committee to find a violation of clause 3 of House Rule XXIII. In the instant matter, depending on whether H.R. 22 is read to apply to even apply to the Dealership, Representative Williams simply offered an amendment that was either (i) seemingly beneficial to the whole class of 16,000-plus automotive dealership owners and staff or (ii) beneficial to a subset of automotive dealership owners that provide rental vehicles, a class of dealers in which the

⁶³ House Rule XXIII, cl. 3 ("A Member . . . may not receive compensation and may not permit compensation . . .").

⁶⁴ See generally Code of Ethics for Government Service ¶ 5, cl. 1 and c2.

⁶⁵ *Gingrey* at 13.

⁶⁶ *Berkley* at 49.

Dealership does not belong. Regardless of how one looks at the impact of Amendment 819 on the Dealership, the facts here are significantly more attenuated than the activities of Representative Berkley and those of Representative Gingrey.

Representative Williams's actions were also not consistent with the types of activities the Committee has found to be in violation of Section 5, clause 1 of the Code of Ethics. In the context of Section 5, clause 1, there have been two instances where the Committee has investigated circumstances that raised questions of impropriety, neither of which resulted in a finding that violation had occurred. In both instances, although a Member had a financial interest in a particular entity, the Committee found those entities were treated consistently as others by the Members.⁶⁷ Thus, there was no evidence of discrimination or special favors, which are required for a finding of a violation of this provision. In *Berkley*, the Committee found that the Member had not acted improperly when she had staff assist her husband's medical practice in obtaining VA payments because "she treated her husband as any other constituent."⁶⁸ Likewise, in *Gingrich*, the Committee found that no violation of this provision had occurred because, when the Member assisted a campaign donor, there was no evidence that it was done as a special favor.⁶⁹ On the other hand, in *Gingrey*, the Member was found in violation of this provision because he had treated the bank representatives differently than other non-constituents.⁷⁰

Here, Representative Williams treated no one with special favors or privileges. He and his staff worked with a trade association in the same manner that he works with other trade associations that he generally agrees with to offer an amendment that he supported for pure policy reasons. Further, his action of offering an amendment is more attenuated to any potential financial interest as compared to the activities in *Berkley*, *Gingrich*, or *Gingrey*, instances where specific actions of advocacy were taken for specific entities.⁷¹ Consistent with the reasoning and precedents established in these matters, Representative Williams cannot be found to be in violation of Section 5, clause 1.

Similarly, Representative Williams did nothing to violate Section 5, clause 2 of the Code of Ethics. That provision prevents a Member from accepting favors or benefits that could be construed as influencing performance of governmental duties even without a *quid pro quo*.⁷² Nevertheless, the Committee has only found violations in instances where Members engaged in specific "case-work" style advocacy on behalf of entities in which the Member had a financial interest. In *Berkley*, the Investigative Subcommittee found the Member in violation because of the public perception of self-dealing in her advocacy to the VA for her husband's medical practice. Nevertheless, the Investigative Subcommittee's report went on to say that had she

⁶⁷ See *Gingrey* at 14.

⁶⁸ *Berkley* at 54-55.

⁶⁹ *Gingrich* at 66.

⁷⁰ *Gingrey* at 14.

⁷¹ Further, and to reiterate, Representative Williams, nor his staff, had absolutely no conversations about any of these activities with anyone at the Dealership. See fn. 13 *supra*.

⁷² See *Gingrey* at 18.

“simply and solely engaged in policymaking aimed at more efficient claims processing by the VA, even though it would have benefitted her husband along with a number of other doctors, she would not have violated [Section 5].”⁷³ At worst, this is the exact type of activity that Representative Williams engaged when proposing Amendment 819. He did not offer the amendment in order to benefit the Dealership; but if appearance is the critical component of this provision, he did exactly what was deemed permissible in *Berkley*. He engaged in policymaking. Therefore, the Committee would have to countermand its previous guidance to find that Representative Williams violated Section 5, clause 2.

Finally, these allegations could implicate clauses 1 and 2 of House Rule XXIII, which requires members to reflect creditably on the House and adhere to even the spirit of the rules.⁷⁴ Representative Williams maintains that he acted appropriately in both the spirit and black letter of these rules. He had no indication that what he was doing could have possibly been perceived as unethical, and no one involved in crafting Amendment 819 suspected any potential issues, not even to the point of seeing the necessity of inquiring with the Committee on its propriety. When Representative Williams offered his amendment, he made it perfectly clear that he was doing so based on his experience in the automotive industry. He was not hiding this fact, and no other Members at the time, either in the Rules Committee or on the Floor, seemed to view this as a somehow discreditable act. In fact, the only entity that initially raised any concerns with Amendment 819 was the Center for Public Integrity, whose *raison d’etre* is to make allegation such as these regardless of validity. Regardless of their claims, when Representative Williams offered his amendment, he was entirely above board and ethical. His actions and motivations were clear, and his methods were pure. He was simply advocating a position based on his experiences, which he made clear, and offered the amendment and publicly supported it.⁷⁵ These are not the actions of someone attempting to financially profit from legislating or to appear to be acting improperly. Thus, Representative Williams abided by the spirit of the rules and brought no dishonor to the House of Representatives, and he did not violate clauses 1 or 2 of House Rule XXIII.

Nevertheless, if the Committee were to find Representative Williams in violation of any of these provisions because of his offering of Amendment 819, it would severely discourage other members from legislating in subjects in which they are most familiar. It would also be counter to the advice given in the *Ethics Manual* that permits Members who are farmers from advocating of farm policy.⁷⁶ The result would be a firm discouragement for any Member who had any business interests outside of Congress to engage in the basic legislative process.

⁷³ *Berkley* at 56.

⁷⁴ House Rule XXIII, cl. 1 and cl. 2.

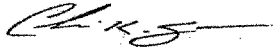
⁷⁵ While House Rules strongly suggest that a Member consult with the Committee regarding certain amendments, there is no requirement to do so. Even if he thought his amendment implicated the rule, which he does not, there was little time for Representative Williams to seek guidance. As said previously, Representative Williams reasonably and sincerely did not believe he was acting with any impropriety. Thus, he had no reason to seek the guidance.

⁷⁶ *Ethics Manual* at 314.

It is clear then that, under Committee precedents, Representative Williams did not violate any of the applicable ethical provisions. He did not take any action that the *Ethics Manual* prohibits.⁷⁷ Finally, he acted with a sincere belief that he was performing an ordinary and basic task of a legislator.

V. CONCLUSION

For all the foregoing reasons, the Committee should find no wrongdoing on the part of Representative Williams's action surrounding Amendment 819. It is likely Amendment 819 was inapplicable to the Dealership since the provision of H.R. 22 dealt with rental vehicles, which the Dealership does not offer. The economics of the Dealership indicate a lack of any beneficial financial interest on the part of Representative Williams in regards to Amendment 819. Finally, all Committee precedent, both in instances where violations have been found and in instances where violations have been lacking, indicate that Representative Williams acted properly and in the normal course as a legislator. Therefore, Representative Williams asks the Committee to resolve this matter promptly with a determination that he was not in violation of any of the House Rules or relevant provisions of the Code of Ethics.



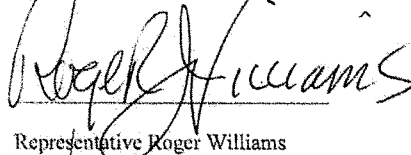
Chris K. Gober
Counsel to Representative Roger Williams

⁷⁷ "Only when Members' actions would serve their own narrow, financial interests as distinct from those of their constituents should the Members refrain." *Id.*

Declaration

I, Representative Roger Williams, declare (certify, verify, or state) under penalty of perjury that the responses and factual assertions contained in the attached letter dated 7/22, 2016, relating to my response to the June 24, 2016, Committee on Ethics request for information, are true and correct.

Signature:



Name:

Representative Roger Williams

Date:

7/22, 2016

APPENDIX F
(APPENDIX 2)

TOTAL PMTS

PAGE 1

VEHICLE INFORMATION & DATE OF PURCHASE	TOTAL PMTS MADE AS OF 06-29-16	REPAIR COST	GRAND TOTAL
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED]	[REDACTED]	
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED]	[REDACTED]	
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED]	[REDACTED]	
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED]	[REDACTED]	
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	
TOTAL SPENT	[REDACTED]	[REDACTED]	95,013.69

VEHICLE INFO WITH PAYMENTS MADE BY YEAR

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>PMTS MADE BY YEAR</u>
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED] [REDACTED]
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED] [REDACTED]
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED] [REDACTED]
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED] [REDACTED]
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED] [REDACTED]
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED] [REDACTED]
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED] [REDACTED]
2015 CHRYSLER 200	[REDACTED] [REDACTED]

VEHICLE INFO WITH PAYMENTS MADE BY YEAR

PAGE 3

[REDACTED]

1/2/2015

[REDACTED] [REDACTED]

GRAND TOTAL
2015 TOTAL
2016 TOTAL

[REDACTED]

**VEHICLE INFORMATION
& DATE OF PURCHASE**

2015 CHRYSLER 200

[REDACTED]
9/30/2014

[REDACTED]

[REDACTED]

2015 CHRYSLER 200

[REDACTED]
9/30/2014

[REDACTED]

[REDACTED]

2014 CHRYSLER 300

[REDACTED]
10/31/2014

[REDACTED]

[REDACTED]

2014 CHRYSLER 300

[REDACTED]
10/31/2014

[REDACTED]

[REDACTED]

2015 CHRYSLER 200

[REDACTED]
1/2/2015

[REDACTED]

[REDACTED]

2015 CHRYSLER 200

[REDACTED]
1/2/2015

[REDACTED]

[REDACTED]

2015 CHRYSLER 200

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

2015 CHRYSLER 200

[REDACTED]
1/2/2015

[REDACTED]

[REDACTED]

[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>
2015 CHRYLSER 200 [REDACTED] 9/30/2014	[REDACTED]
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED]
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED]
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED]
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]
2015 CHRYLSER 200 [REDACTED] 1/2/2015	[REDACTED]
2015 CHRYLSER 200 [REDACTED] 1/2/2015	[REDACTED]
TOTAL	[REDACTED]

2014 CHRYSLER 300

[REDACTED]

[REDACTED]

[REDACTED]

2014 CHRYSLER 300

[REDACTED]

[REDACTED]

242241

0.00

TOTAL 687.14

2015 CHRYSLER 200

[REDACTED]

[REDACTED]

2015 CHRYSLER 200

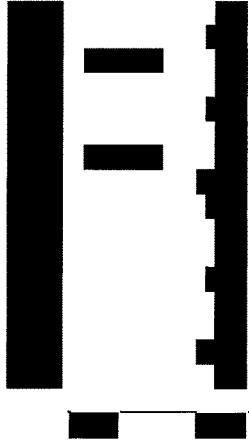
[REDACTED]

[REDACTED]

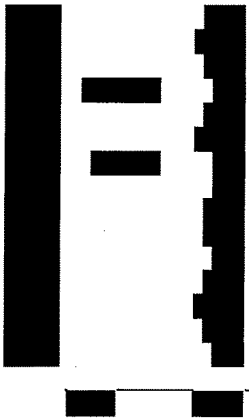
2015 CHRYSLER 200

[REDACTED]

[REDACTED]



2015 CHRYSLER 200



<u>VEHICLE INFORMATION</u>	<u>REPAIR COST</u>
2015 CHRYSLER 200 [REDACTED]	[REDACTED]
2015 CHRYSLER 200 [REDACTED]	[REDACTED]
2014 CHRYSLER 300 [REDACTED]	[REDACTED]
2014 CHRYSLER 300 [REDACTED]	[REDACTED]
2015 CHRYSLER 200 [REDACTED]	[REDACTED]
2015 CHRYSLER 200 [REDACTED]	[REDACTED]
2015 CHRYSLER 200 [REDACTED]	[REDACTED]
2015 CHRYSLER 200 [REDACTED]	[REDACTED]
TOTAL	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2015 CHRYSLER 200 [REDACTED] 9/30/2014	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2014 CHRYSLER 300 [REDACTED] 10/31/2014	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2015 CHRYSLER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2015 CHRYLSER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	[REDACTED]

<u>VEHICLE INFORMATION & DATE OF PURCHASE</u>	<u>TOTAL PMTS MADE AS OF 06-29-16</u>	<u>REPAIR COST</u>	<u>TOTAL</u>
2015 CHRYLSER 200 [REDACTED] 1/2/2015	[REDACTED]	[REDACTED]	[REDACTED]

APPENDIX 3

EXHIBIT 1

Politics

Congressman-auto dealer accused of conflict of interest

Rep. Williams' amendment allows dealerships to rent cars with safety recalls

By John Dunbar [email](#) 6:00 am, November 18, 2015 Updated: 3:11 pm, November 19, 2015



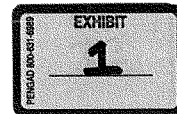
Rep. Roger Williams, R-Texas, as Treasury Secretary, atop Capitol Hill in October 2011. June 2015. Andrew Harnik/AP

138 [Comment](#) [Email](#) [Print](#)

Nov. 19, 2015: This story has been updated to include comment from U.S. Rep. Roger Williams of Texas.

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."

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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 damning 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.

Campaign donations, lobbying and influence in government and reports on the special interests that are funding elections and buying power.

Stories in this series



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By Chris Zubak-Skoos and Gordon Wickin
April 20, 2017



White House spotlight: Tracking Donald Trump

By The Center for Public Integrity
February 13, 2017

Pro-Trump super PACs have already spent \$1

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

562

1 *crating, or other agreement between the dealer*
 2 *and the manufacturer.”; and*

3 *(3) by adding at the end the following:*

4 *“(2) DEFINITION OF OPEN RECALL.—In this sub-*
 5 *section, the term ‘open recall’ means a recall for*
 6 *which a notification by a manufacturer has been pro-*
 7 *vided under section 30119 and that has not been rem-*
 8 *edied under this section.”.*

9 *SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF*
 10 *TIRE DEFECTS.*

11 *Section 30120(b) of title 49, United States Code, is*
 12 *amended—*

13 *(1) in paragraph (1), by striking “60 days” and*
 14 *inserting “180 days”; and*

15 *(2) in paragraph (2), by striking “60-day” each*
 16 *place it appears and inserting “180-day”.*

17 *SEC. 34209. RENTAL CAR SAFETY.*

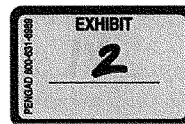
18 *(a) SHORT TITLE.—This section may be cited as the*
 19 *“Rachel and Jacqueline Houck Safe Rental Car Act of*
 20 *2015”.*

21 *(b) DEFINITIONS.—Section 30102(a) is amended—*

22 *(1) by redesignating paragraphs (10) and (11)*
 23 *as paragraphs (12) and (13), respectively;*

24 *(2) by redesignating paragraphs (1) through (9)*
 25 *as paragraphs (2) through (10), respectively;*

1 HR 22 EAS



15-1202_0014

COE.WILLIAMS.000822

1 (3) by inserting before paragraph (2), as redesignated, the following:

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

3 (A) has a gross vehicle weight rating of
4 10,000 pounds or less;

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

6 (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

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

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

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

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

11 (c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—

12 Section 30120(i) is amended—

13 (1) in the subsection heading, by adding “, OR RENTAL” at the end;

14 (2) in paragraph (1)—

15 (A) by striking “(1) If notification” and inserting the following:

- 1 “(1) *IN GENERAL.*—If notification”;
- 2 (B) by indenting subparagraphs (A) and
- 3 (B) four ems from the left margin;
- 4 (C) by inserting “or the manufacturer has
- 5 provided to a rental company notification about
- 6 a covered rental vehicle in the company’s posses-
- 7 sion at the time of notification” after “time of
- 8 notification”;
- 9 (D) by striking “the dealer may sell or
- 10 lease,” and inserting “the dealer or rental com-
- 11 pany may sell, lease, or rent”; and
- 12 (E) in subparagraph (A), by striking “sale
- 13 or lease” and inserting “sale, lease, or rental
- 14 agreement”;
- 15 (3) by amending paragraph (2) to read as fol-
- 16 lows:
- 17 “(2) *RULE OF CONSTRUCTION.*—Nothing in this
- 18 subsection may be construed to prohibit a dealer or
- 19 rental company from offering the vehicle or equip-
- 20 ment for sale, lease, or rent.”; and
- 21 (4) by adding at the end the following:
- 22 “(3) *SPECIFIC RULES FOR RENTAL COMPA-*
- 23 *NIES.*—
- 24 “(A) *IN GENERAL.*—Except as otherwise
- 25 provided under this paragraph, a rental com-

1 pany shall comply with the limitations on sale,
2 lease, or rental set forth in subparagraph (C)
3 and paragraph (1) as soon as practicable, but
4 not later than 24 hours after the earliest receipt
5 of the notice to owner under subsection (b) or (c)
6 of section 30118 (including the vehicle identifica-
7 tion number for the covered vehicle) by the rental
8 company, whether by electronic means or first
9 class mail.

10 “(B) *SPECIAL RULE FOR LARGE VEHICLE*
11 *FLEETS.*—Notwithstanding subparagraph (A), if
12 a rental company receives a notice to owner cov-
13 ering more than 5,000 motor vehicles in its fleet,
14 the rental company shall comply with the limi-
15 tations on sale, lease, or rental set forth in sub-
16 paragraph (C) and paragraph (1) as soon as
17 practicable, but not later than 48 hours after the
18 earliest receipt of the notice to owner under sub-
19 section (b) or (c) of section 30118 (including the
20 vehicle identification number for the covered ve-
21 hicle) by the rental company, whether by elec-
22 tronic means or first class mail.

23 “(C) *SPECIAL RULE FOR WHEN REMEDIES*
24 *NOT IMMEDIATELY AVAILABLE.*—If a notification
25 required under subsection (b) or (c) of section

1 30118 indicates that the remedy for the defect or
2 noncompliance is not immediately available and
3 specifies actions to temporarily alter the vehicle
4 that eliminate the safety risk posed by the defect
5 or noncompliance, the rental company, after
6 causing the specified actions to be performed,
7 may rent (but may not sell or lease) the motor
8 vehicle. Once the remedy for the rental vehicle be-
9 comes available to the rental company, the rental
10 company may not rent the vehicle until the vehi-
11 cle has been remedied, as provided in subsection
12 (a).

13 “(D) *INAPPLICABILITY TO JUNK AUTO-*
14 *MOBILES.*—Notwithstanding paragraph (1), this
15 subsection does not prohibit a rental company
16 from selling a covered rental vehicle if such vehi-
17 cle—

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

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

23 “(iii) is reported to the National Motor
24 Vehicle Information System, if required

1 under section 304 of such Act (49 U.S.C.
2 30504).”.

3 (d) *MAKING SAFETY DEVICES AND ELEMENTS INOP-*
4 *ERATIVE.*—Section 30122(b) is amended by inserting “rent-
5 al company,” after “dealer,” each place such term appears.

6 (e) *INSPECTIONS, INVESTIGATIONS, AND RECORDS.*—
7 Section 30166 is amended—

8 (1) in subsection (c)(2), by striking “or dealer”
9 each place such term appears and inserting “dealer,
10 or rental company”;

11 (2) in subsection (e), by striking “or dealer” each
12 place such term appears and inserting “dealer, or
13 rental company”; and

14 (3) in subsection (f), by striking “or to owners”
15 and inserting “, rental companies, or other owners”.

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

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

20 (2) other activities of rental companies (as de-
21 fined in section 30102(a)(11) of title 49, United
22 States Code) related to their use and disposition of
23 motor vehicles that are the subject of a notification re-
24 quired under section 30118 of title 49, United States
25 Code.

1 (g) *STUDY*.—

2 (1) *ADDITIONAL REQUIREMENT*.—Section

3 32206(b)(2) of the Moving Ahead for Progress in the

4 21st Century Act (Public Law 112-141; 126 Stat.

5 785) is amended—

6 (A) in subparagraph (B), by striking “and”

7 at the end;

8 (B) by redesignating subparagraph (F) as

9 subparagraph (G); and

10 (C) by inserting after subparagraph (E) the

11 following:

12 “(F) evaluate the completion of safety recall

13 remedies on rental trucks; and”.

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

15 amended—

16 (A) by redesignating paragraphs (1) and

17 (2) as subparagraphs (A) and (B), respectively;

18 (B) by striking “REPORT.—Not later” and

19 inserting the following:

20 “(c) *REPORTS*.—

21 “(1) *INITIAL REPORT*.—Not later”;

22 (C) in paragraph (1), by striking “sub-

23 section (b)” and inserting “subparagraphs (A)

24 through (E) and (G) of subsection (b)(2)”; and

25 (D) by adding at the end the following:

1 “(2) SAFETY RECALL REMEDY REPORT.—Not
2 later than 1 year after the date of the enactment of
3 the ‘Rachel and Jacqueline Houck Safe Rental Car
4 Act of 2015’, the Secretary shall submit a report to
5 the congressional committees set forth in paragraph
6 (1) that contains—

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

9 “(B) any recommendations for legislation
10 that the Secretary determines to be appro-
11 priate.”.

12 (b) PUBLIC COMMENTS.—The Secretary shall solicit
13 comments regarding the implementation of this section from
14 members of the public, including rental companies, con-
15 sumer organizations, automobile manufacturers, and auto-
16 mobile dealers.

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

19 (1) may be construed to create or increase any
20 liability, including for loss of use, for a manufacturer
21 as a result of having manufactured or imported a
22 motor vehicle subject to a notification of defect or
23 noncompliance under subsection (b) or (c) of section
24 30118 of title 49, United States Code, or

EXHIBIT 3

Thursday, July 7, 2016 at 1:49:32 PM Eastern Daylight Time

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:

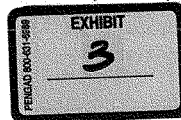
I spoke with him and the T&I Committee. We are considering a highway bill next week. He is asking us to offer (or at least draft up) a one word amendment for the bill. In a nutshell, the issues deals with cars that are recalled. There is a senate provision that says that rental cars that are on a recall 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

[230B8AC9-6FBA-44D9-A99D-B67217A10307\(2\).png](#)<4A1C7C41-0A7C-4F2B-85E2-20AC27368352(2).png><B08593E6-A15B-4B9A-ADFD-2EE7C1E12D28(2).png><F023CF7A-D41B-4C21-9C1F-7D71885BFF08(2).png>

[Click here to sign up for Congressman Williams' E-newsletter](#)
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COE.WILLIAMS.000084



all copies of this message and any attachments.

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" <[REDACTED]@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 <[REDACTED]@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

Thursday, July 7, 2016 at 5:22:17 PM Eastern Daylight Time

Subject: RE: Williams Amdt 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 Amdt 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 Amdt 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

COE.WILLIAMS.000164



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

EXHIBIT 5

From: "Harrington, Michael" <[REDACTED]@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

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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-[REDACTED]

Sent from my iPhone

COE.WILLIAMS.000085



EXHIBIT 6

Thursday, July 7, 2016 at 5:22:20 PM Eastern Daylight Time

Subject: FW: Highway Bill Floor Consideration - Amendment Process
Date: Thursday, October 29, 2015 at 2:55:46 PM Eastern Daylight Time
From: Harrington, Michael
To: Freebairn, Spencer
CC: Dillon, Sean

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

COE.WILLIAMS.000180

Page 48 of 50



thanks -- Michael

From: Weber, Becky [mailto:██████████@prime-policy.com]
Sent: Wednesday, October 28, 2015 10:07 AM
To: Harrington, Michael; Disler, Mark
Subject: Highway Bill Floor Consideration - Amendment Process

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 from 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 @ 2pm. 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

o in title XXXIV. (a) the division designation and heading; and (b) subtitles B, C, and 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 50 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 11-312 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

November 4, 2015

CONGRESSIONAL RECORD—HOUSE

H7721

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 533, 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.

The Chair recognizes the gentleman from Texas.

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 such, my one-word amendment will fix Senate language that puts an intentional new burden on all rental car establishments.

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 loaner vehicles or rentals as a convenience for their customers. My amendment leaves the regulations on all rental car companies, which compromise 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 matters 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 this 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, 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-

istration the authority to add more regulatory burdens as appropriate, and that is too open-ended.

Without my amendment, this bill could make it impractical for small-business dealers to provide loaner or rental cars to their customers because it mandates vehicles be grounded for minor compliance matters with a minimal impact on safety, and that is not what Congress' intent is or should be.

Madam Chair, in tax law, employment law, and other areas, Congress has recognized the difference between big business and small business. Let's not regulate our Main Street businesses like multinational corporations. Frankly, Main Street is hurting enough as it is.

Vote "yes" on the Williams amendment.

I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Chair, Mr. WILLIAMS' amendment unreasonably limits the application of the Rachel and Jacqueline Houck Safe Rental Car Act that is included in the Senate amendments to H.R. 22.

I yield 3 minutes to the gentleman from California (Mrs. CAPPs), the woman who has really been a leader for safety in the car rental field.

Mrs. CAPPs. Madam Chair, I thank my colleague for yielding.

Madam Chair, I rise in strong opposition to the Williams amendment.

This amendment would needlessly exempt auto dealers from critical vehicle safety requirements included in the underlying bill.

While Federal law currently prohibits auto dealers from selling new cars subject to a recall, there is no similar law prohibiting rental companies or auto dealers from renting or loaning out unrecalled vehicles.

I introduced the Rachel and Jacqueline Houck Safe Rental Car Act to close this loophole and prohibit rental car companies and auto dealers from renting or loaning vehicles under safety recall until they are fixed, and I am pleased this legislation is in the underlying bill.

This harmful amendment, however, would put lives at risk by exempting auto dealers from complying with this commonsense safety requirement.

GM, Honda, Chrysler, and other car manufacturers who have issued safety recalls, are loaning out tens of thousands of cars to customers while the repairs are being made. Consumers expect that the loaner cars they receive when they take their own cars into a dealership for repairs are safe to drive. But rather than ensure these loaners are safe, the Williams amendment would allow car dealers to give out loaner cars that have the same exact defect as the car that is being repaired.

The auto dealers are justifying this amendment by claiming that some

safety recalls aren't actually important enough to require immediate repairs. This is ridiculous. NHTSA does not issue frivolous recalls. All safety recalls pose serious safety risks and should be fixed as soon as possible. Any claim otherwise is simply not true.

Madam Chair, it only takes one car with an unrecalled safety recall to tragically end a life. That is what happened to Rachel and Jackie Houck when their rented PT Cruiser caught fire and crashed into a tractor-trailer due to an unrecalled recall. And that is what happened to Jewel Brangman when she was killed by the unrecalled Takata airbag in her rented Honda Civic.

Loaner cars from auto dealers should be no different. The Williams amendment would let these auto dealers off the hook and allow them to loan out defective cars to unsuspecting consumers. It creates a nonsensical double standard for rentals and loaner cars not based on how unsafe they are, but based on who is renting or loaning them to the public. Keeping unrecalled cars parked in the lot and out of the hands of consumers is common sense.

I urge my colleagues to join me in opposing the Williams amendment to ensure all consumers can be confident that their rental car or their loaner car is safe to drive, regardless of whether they get it from a rental company or a dealership.

Ms. SCHAKOWSKY. Madam Chair, I thank the gentleman for her leadership.

I understand that everyone has car dealerships in their districts and they are an important part of our economy, but this amendment serves one purpose and one purpose only: allowing car dealers and rental car companies to evade responsibility.

Just like rental car companies, car dealerships rent and lease vehicles regularly. And just like rental car companies, car dealerships should not be renting or leasing cars that are subject to a safety recall without first repairing the defect. These are safety recalls on cars the auto manufacturers themselves have deemed necessary to repair.

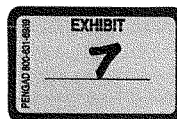
Can you imagine bringing your car to a dealer to get a deadly Takata airbag replaced and then being given a loaner car with the same deadly Takata airbag to drive while your car is being repaired? That is the situation that this amendment would allow.

Of all those subjected to the Safe Rental Car Act, car dealerships are in the best position to fix these recalled cars quickly.

Instead of this amendment, which weakens the Senate provision, the Rules Committee should have made in order the gentleman's amendment expanding the provision to ensure used cars are not sold until recalls are fixed.

Whether or not renting cars is the company's primary business makes no business. A defective car is a defective car.

COE.WILLIAMS.000798



15-1202_0024

H7722

CONGRESSIONAL RECORD—HOUSE

November 4, 2015

Rental companies and auto dealers alike have a responsibility to their customers, and we have a responsibility to ensure that consumers' lives are not put 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. And the 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 created equal.

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. But that could happen. That could happen.

So if you are telling me that, because the wrong 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 to this 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 our part of our extended families.

But somehow we believe that, if we can redefine, if we can sell 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 them 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, to group 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 will tell you what. I wish some of these ridiculous amendments would expire.

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

— 2315

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 misspelled 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, drop their kids off at 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. 11 OFFERED BY MR. KINZINGER OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 114-326.

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 subtitle B of title XXXIV of division C, add the following:

SEC. 3216. AVAILABILITY OF CERTAIN INFORMATION ON MOTOR VEHICLE EQUIPMENT.

Section 3018 of title 49, United States Code, is amended by adding at the end the following:

"(1) INFORMATION ON DEFECTIVE OR NON-COMPLIANT PARTS.—

"(A) PROMOTION 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—

"(1) all part names;

"(2) all part numbers; and

"(3) a description of the part.

"(2) PROMOTION 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 under paragraph (1), a manufacturer of motor vehicles shall—

"(A) identify the vehicle identification number for each affected vehicle; and

"(B) not later than 3 business days after receiving such notification, provide to the Secretary, in a searchable format determined by the Secretary—

"(1) the vehicle identification numbers identified under subparagraph (A); and

"(2) the specific part names, numbers, and descriptions used by the manufacturer for all affected parts the sale or lease of which is prohibited by section 3026(e).

"(3) AVAILABILITY OF INFORMATION ON THE INTERNET.—In the case of information provided by a manufacturer under paragraph (2)(B), the Secretary shall make such information available, or require the manufacturer to make such information available, on an Internet website that may be accessed by any person who sells or leases motor vehicle equipment for purposes of assisting such person, in complying with section 3026(e). Such information shall be made available in real-time or near-real-time as provided under paragraph (2)(B) and at no cost to the person obtaining access.

"(4) INFORMATION ON ORIGINAL EQUIPMENT.—Not later than July 31, 2018, a manufacturer of motor vehicles shall make available on an Internet website information about the original equipment contained in such vehicles, which shall include—

"(1) all parts or component numbers for such equipment; and

"(2) specific part names and descriptions associated with each manufacturer vehicle identification number."

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Illinois (Mr. KINZINGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KINZINGER of Illinois. Madam Chair, I yield myself such time as I may consume.

I rise today to offer an amendment that would improve vehicle safety and ensure that businesses have the necessary information to comply with section 8 of the TREAD Act.

Every day, professional automotive recyclers sell over a half a million original equipment manufacturer parts which are harvested from total loss or end-of-life vehicles and are resold to consumers, repair shops, and dealers. These parts are designed by automakers and are manufactured to meet their requirements. Ever when a vehicle may reach the end of its useful life, many parts have a greater lifespan and can be subsequently recycled, resold, and reused. This offers consumers with additional choice to purchase a quality recycled part at a lower cost.

In 2009, Congress enacted the TREAD Act to increase vehicle safety by prohibiting the resale of recycled auto parts that are subject to a recall and have not been remedied. Congress passed this legislation with the safety of the driving public in mind. However, the ability of professional automotive recyclers to identify and remove recalled parts from the supply chain is severely limited.

Earlier this year, Secretary Foxx responded to a question for the record on this subject following a House Transportation and Infrastructure Committee hearing. He recommended that

COE.WILLIAMS.000799

15-1202_0025

EXHIBIT 8

Thursday, July 7, 2016 at 5:22:12 PM Eastern Daylight Time

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:██████████@star-telegram.com]
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."

COE.WILLIAMS.000137



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-
@star-telegram.com

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

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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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