

CMT 3-bill Markup
Draft OS
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Thank you, Chairman Terry. Tomorrow we will mark up three bills.

The first bill is an attempt to address the troubling national problem of patent assertion entities, or patent trolls, which claim patents they hold are being infringed and send vague and threatening letters to end users of products. Recipients are often small businesses or entrepreneurs, which are given the choice to either settle the infringement claim and continue using the product by paying the troll, or fight the claims in court.

This is fundamentally a fairness issue. Patent trolls should not be able to extort American businessmen and women out of their hard-earned money.

This subcommittee has held two hearings and has worked to put forward legislation that would address the problem without unintended consequences. That has been a challenging task, and I appreciate the effort put in on both sides, but I don't think the TROL Act adequately solves the problem.

The TROL Act's broad preemption of state laws would prevent the enforcement of tough anti-patent troll laws where they do exist. It has raised serious concerns at the FTC – which would be responsible for enforcing the new law – over several provisions, including the requirement that the Commission enforce the law not just based on a violation of the FTC Act, but based on the *intent* to commit a violation. Finally, as written, it wouldn't protect against some of the examples of patent trolls I

have heard about in my office, my district, and in this committee room.

I hope, by the time it goes to full Committee, the bill will effectively address the problem of patent trolls while not weakening existing consumer protections.

Another bill we will consider tomorrow is H.R. 4013, the Low Volume Motor Vehicle Manufacturers Act. This subcommittee has not held a hearing on this legislation, or even on this issue.

The bill would exempt replica vehicles – vehicles built to resemble cars that are at least 25 years old – from meeting federal Clean Air Act requirements and auto safety standards. It could also preempt existing state and local safety, health, and environmental standards for these cars. We don't know how many manufacturers or the total number of vehicles this bill would exempt from those rules.

As a firm believer that we need to reduce carbon pollution, I cannot support a bill that would allow an entire class of cars to avoid basic emissions inspections. As a lifelong consumer advocate, I cannot support legislation that would undermine basic safety requirements like roll bars, air bags, and seat belts. I am strongly opposed to moving forward on H.R. 4013 in its current form.

The final bill we will consider is H.R. 4450, the Travel Promotion, Enhancement, and Modernization Act. I strongly support Brand USA's mission of promoting US tourism in foreign countries, and I have heard from travel and tourism professionals across my district – including my constituent Gina

Speckman, who testified at a hearing we held on travel and tourism last year – about the need to reauthorize the program this year.

While I believe we should have held a hearing to specifically consider two GAO reports that highlighted opportunities to improve the program, I am glad that my colleagues Mr. Bilirakis and Mr. Welch have placed the bill before us today so that we may examine some of the changes they propose, as well as other opportunities to further improve the Brand USA program. I look forward to discussing how this Subcommittee can help ensure that Brand USA builds on its existing successes over the long term.

I yield back.