
Advocacy Monthly Report

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SAFETY RECALLS

Monitoring the current situation for any possible action. Targeted vehicles include the FAST Act reauthorization, a mega infrastructure bill, and the FY22 Transportation Appropriations bill. Advocacy strategy being coordinated with NADA and NAAA. Last Congress, Senator Blumenthal (D-CT) introduced S.1971 which requires auto dealers to fix outstanding safety recalls before selling, leasing, or loaning a used motor vehicle and specifies that auctions would also be subject to the requirement unless determined otherwise by rule making. No Commerce Committee or full Senate action on the bill. Congresswoman Schakowsky (D-9-IL) did not introduce, as she has done in the past, a companion bill. Lastly, the safety recall issue was not included in the House-passed Democratic mega infrastructure bill – H.R. 2. ion bill.

AMERICAN RESCUE PLAN (COVID STIMULUS)

The House Democratic released COVID relief bill includes, in part, an increase to \$400 a week for unemployment compensation, \$15B for a small business owner grant programs, and an increase in the hourly minimum wage increase to \$15.

INFRASTRUCTURE

The Biden team has said publicly that they want to start focusing on infrastructure after final action on the COVID stimulus legislation. The following are the major points from the Auto Industry section of the July 2020 Biden \$2T infrastructure plan): create 1 million new jobs in the American auto industry, domestic auto supply chains, and auto infrastructure, from parts to materials to electric vehicle charging stations.; use the power of federal procurement to increase demand for American-made, American-sourced clean vehicles; encourage consumers and manufacturers to go clean; make major public investments in automobile infrastructure – including in 500,000 electric vehicle charging stations – to create good jobs in industries supporting vehicle electrification; accelerate research on battery technology and support the development of domestic production capabilities; set a goal that all new American-built buses be zero-emissions by 203; and, establish ambitious fuel economy standards that save consumers money and cut air pollution.

Monitoring action on reauthorization of the FAST Act for inclusion in the bill and separate action by the Commerce Committees as they develop their infrastructure proposals.

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USMCA IMPACT

The Association, in conjunction with NADA and NAAA, is pursuing with the Administration, primarily with the U.S. Trade Representative, concerns it has regarding the impact of the new tariff increase on vehicles manufactured prior to July 1, 2020, the effective date of the USMCA.

FAIR ACT (FORCED ARBITRATION INJUSTICE REPEAL AC)

It appears (at this time current information does not include the legislative text or bill summary) that on February 11 Congressman Henry Johnson (D-GA-4) introduced as H.R. 963 (155 cosponsors) the same bill that he introduced last

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Congress, H.R. 1423, and that passed the House. That bill would prohibit a pre-dispute arbitration agreement from being valid or enforceable if it requires arbitration of an employment, consumer, antitrust, or civil rights dispute. Also last Congress, Senator Blumenthal introduced S.610, a companion bill. No Senate action on either the House-passed bill or the Blumenthal introduced bill.

CFPB ACCOUNTING STANDARDS STUDY

No current action. Last Congress, no action on introduced bills; administrative action pending. Senator Thom Tillis (R-NC) introduced S.1564, the "Continued Encouragement for Consumer Lending Act." Congressman Vicente Gonzalez (D-TX-15) introduced H.R. 3182. Both bills would require the CFPB and other agencies to carry out a one-year study relating to accounting standards, focusing on the impact on credit availability, regulatory capital, financial institutions, investor decisions, and U.S. institutions. Further congressional action unclear given November 2019 directive by the Financial Accounting Standards Board to delay implementation of the new standards.

CFPB EXECUTIVE DIRECTOR

On February 13, Rohit Chopra was officially nominated as the next executive director. Chopra, currently a member of the Federal Trade Commission, served as a CFPB assistant director and as student loan ombudsman after the Bureau opened in 2011. At the FTC, Chopra has pushed the agency to be more skeptical of private equity buyers and more aggressive in using its rule-making powers to rein in businesses.

MILITARY LENDING

No current action. To review, DOD withdrew concerned issue in the MLA rule with formal filing. DOD had announced its intent to issue a proposed rulemaking in Jan. 2020.

MINIMUM WAGE

Increase included in the House-passed COVID relief bill. Last Congress, the House passed H.R. 582, "Raise the Wage Act," that would raise the federal hourly minimum to \$15 by 2024 (with yearly increments @ \$1.30) and also phase out the so-called "subminimum" wages for tipped workers, young workers and workers with disabilities. Senator Bernie Sanders (D-VT) introduced S. 150, basically the same bill. No Senate action on either House or Senate bill.

H.R. 1500, "CONSUMERS FIRST ACT"

This bill is from the last Congress. To date, it has not been introduced this year. Last Congress, the House passed H.R. 1500, the "Consumers First Act" on a party line vote. The bill revises provisions related to the administration of the Consumer Financial Protection Bureau (CFPB) - establishes requirements for staffing levels, political appointees, and the publication of consumer complaints regarding consumer financial products or services; states the duties of the Office of Fair Lending and Equal Opportunity (under current law, these are delegated by the CFPB Director); adds the duty to implement enforcement and supervisory authority regarding the fair lending laws; amends all statutory references to the "Bureau of Consumer Financial Protection" to refer instead to the "Consumer Financial Protection Bureau;" and, revises membership and meeting requirements for the Consumer Advisory Board. No Senate action on the bill.

DEBT COLLECTION BILLS

The following are bills from the last Congress. To date, none have been introduced this year. Last Congress, H.R. 5003 passed while all the other were reported. No Senate action on H.R. 5003.

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The Ending Debt Collection Harassment Act of 2019 (H.R. 5021), a bill by Representative Ayanna Pressley (D-MA-7), to amend the Fair Debt Collection Practices Act (FDCPA) to prohibit a debt collector from contacting a consumer by email or text message without a consumer's consent to be contacted electronically, and prohibits the Consumer Financial Protection Bureau (CFPB) from issuing any rules implementing the FDCPA that allow a debt collector to send unlimited email and text messages to a consumer.

The Small Business Fair Debt Collection Protection Act (H.R. 5013), a bill by Representative Al Lawson (D-FL-5) that expands the FDCPA's protections to cover small business loans.

The Fair Debt Collection Practices for Service Members Act (H.R. 5003), a bill by Representative Madeleine Dean (D-PA-4) that amends the FDCPA to prohibit debt collectors from threatening service members or their families to have a service member's rank reduced, have their security clearance revoked, have them prosecuted under the Uniform Code of Military Justice, or communicating with a service member's chain of command to locate a service member.

The Small Business Lending Fairness Act (H.R. 3490), a bill by Representative Nydia Velázquez (D-NY-7), that would amend the Truth in Lending Act (TILA) to restrict the use of predatory small business loan contract clauses called "confessions of judgment."

E-TITLING/SALVAGE BRANDING

A titling issue has arisen in some states (Ohio, Nevada, Virginia, Oregon etc.) having to do with salvage branding per the JSI information reported to the NMVITIS data base. The Association, in conjunction with other stakeholders, is assessing the situation and its impact on the industry.

NHTSA STATE PILOT REGISTRATION RECALL NOTIFICATION PROGRAM

NHTSA announced a grant program that will give states funding to inform drivers about open recalls with vehicle registration and other points of contact. Maryland was the first participant. On January 15, 2021, NHTSA announced \$1.3 million for the States of California, Ohio and Texas.

SCHUMER'S CLEAN CARS FOR AMERICA PLAN

Included in Biden July 2020 \$2T infrastructure plan. Last Congress, Senator Chuck Schumer (D-NY) announced his Clean Cars for America Plan (not a bill, a concept plan). The Plan would give consumers a cash voucher to trade-in their gas-powered cars and buy U.S.-assembled plug-in electric, plug-in hybrid, or hydrogen fuel cell cars; establish a new grant program for access to charging infrastructure; and, provide incentives for manufacturers to build new factories or re-tool existing factories to assemble zero-emission vehicles or manufacture charging components. The Plan is supported by the Sierra Club, the NRDC, the League of Conservation Votes various labor unions, Ford and General Motors. Schumer said the Plan would result in 63 million fewer carbon-emitting cars and would create tens of thousands of good-paying jobs. Bill introduction of the plan is still a possibility.

AUTO CAUCUSES

No current action. Last Congress, Congresswoman Kaptur (D-OH-9) and Congressman Kelly (R-PA-16) served as co-chairs of the House Auto Caucus. Senator Portman (R-OH) and Senator Brown (D-OH) were co-chairs of the Senate Auto Caucus.



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BILL TRACKING

Note: summary and updated status to be provided as they become available.

H.R.963 – 117th Congress (2021-2022)

To amend title 9 of the United States Code with respect to arbitration.

(See FAIR Act section above)

H.R.524 – 117th Congress (2021-2022)

To amend the Internal Revenue Code of 1986 to provide advance tax refunds to small businesses, and for other purposes.

Sponsor: Rep. Dean, Madeleine [D-PA-4] (Introduced 01/28/2021) Cosponsors: (1)

Committees: House - Ways and Means

Latest Action: House - 01/28/2021 Referred to the House Committee on Ways and Means.