I. OVERVIEW

Aside from continuing to support the ABA 2018-2020 Strategic Plan, the Government Affairs and Policy (GAP) team has spent the last 6 months focused on obtaining relief for ABA members struggling as a result of the COVID-19 pandemic, through federal legislative and administrative processes.

II. LEGISLATIVE BRANCH MATTERS

A. Legislation

1. COVID-19 Relief Legislation

In March, at the outbreak of the severe acute respiratory syndrome coronavirus 2, referred to as COVID-19, the U.S. Congress and the Administration did not fully appreciate the severity or rapidity with which the virus would impact the United States. Although Congress did pass several pieces of legislation in record time to address fallout from the pandemic, it became clear with each legislative action that more assistance was necessary and continues to be necessary as the nation continues to struggle with the virus and its implications. For the motorcoach, tour and travel industry, as with so many other group-related industries, the coronavirus impact is devastating. To date, legislative action in support of assisting businesses has focused on general support for all businesses, rather than industry specific relief except for several notable exceptions: airlines, airports, rail and public transit. The ABA, along with our lobbyists, coalition partners and ABA members and their lobbyists/consultants (coalition team), have spent the last 6 months advocating for inclusion of industry specific relief for ABA members. This effort began in March, with the development of the initial economic relief packages, and has continued throughout the summer months as Congress and the Administration have considered further action in response to the impacts of the coronavirus.

a. Legislation, Generally – Briefly, to date, Congress/Administration have enacted 4 bills directed at providing forms of relief for the economy and nation as a whole: Coronavirus Supplemental (3/6); Families First Act (3/18); CARES Act (3/27); and PPP & Health Care Act (4/24). Additionally, in May, the House passed a 5th relief package, the HEROES Act, reflecting a number of Democrat priorities, but the Senate did not take up the bill. Efforts toward reaching
agreement on additional legislative action, between Leadership in Congress and the Administration, have yielded little and time is running out before the end of the fiscal year and the 2020 elections. In the wake of the national conventions, held in August, the posturing by both political parties has increased as they seek the best positioning for the elections. This has not aided the effort to address the on-going needs of the nation as impacts of the pandemic continue. At this point, taking into account the fiscal deadline of September 30, it is increasingly likely any further relief legislation will be tied to continued funding to keep the government open. For specifics and access to resources Congress has approved so far, here is a link to our recovery toolkit page.

b. CARES Act – The CARES Act, specifically, provided a number of programs/initiatives that assisted ABA members, including expanded unemployment benefits, tax relief, the Paycheck Protection Program (PPP), and additional funding for disaster loans. However, not all ABA members were able to participate or benefit from these programs, or the programs were insufficient to meet the needs of ABA members. For ABA travel members, Congress and the Administration have continued talks about further relief and expanding or extending some of these programs/initiatives to provide broader relief. Also, the Administration specifically called out tourism and travel, as an area they wish to see assisted. ABA has applauded this direction, and supported such initiatives as a travel tax credit and other tax credits, expanding eligibility under the PPP, and liability reform to assist with recovery efforts.

c. CERTS Act - On July 2 a bill was introduced in the Senate by Senators Reed (D-RI) and Collins (R-ME), that would provide $10 billion in grants and economic assistance to the motorcoach industry, school bus industry and others. On July 16, a companion bill was introduced in the House by Representatives LaHood (R-IL), Sires (D-NJ), Young (R-AK) and Lowenthal (D-CA). The bills are known as the Coronavirus Economic Relief for Transportation Services Act, or CERTS Act (H.R. 7642/ S. 4150). The Senate bill currently has over 30 bipartisan cosponsors; and the House bill has 80 bipartisan cosponsors. Since the introduction of these bills, ABA and its coalition team, have engaged in an aggressive lobbying effort with the intent of having this bill, or some form of it, included in the next coronavirus relief package. Through outreach to legislative offices (in D.C. and locally, the White House, the Treasury Department, and various media outlets, ABA and the coalition, along with multiple ABA members, have conducted outreach and successfully driven up the number of co-sponsors on both of these bills and raised awareness within Congress and the Administration about the plight of the U.S. motorcoach industry.

d. Advocacy – Prior to the onset of the coronavirus in the U.S. last March, ABA had 3 lobbying firms under contract, K&L Gates, Capitol Tax Partners, and Lippes Mathias, respectively, each lobbying in distinct issue areas in support of ABA lobbying needs. By mid-March, this quickly changed as all lobbying resources were focused on obtaining federal aid to help the motorcoach, tour and travel industry. Along with ABA’s resources, lobbyists from Greyhound and Coach USA also engaged, and individual member companies engaged, reaching out directly to their legislators. However, with passage of each “relief package,” and as the entire nation
closed down, it became increasingly clear that obtaining help for the industry was an extreme challenge. Day-by-day, and week-by-week, as time passed, the ABA team expanded, as ABA and the United Motorcoach Association (UMA) and the National School Transportation Association (NSTA) began coordinating efforts to form a broader coalition. As well, ABA continued to work with the National Tour Association and the U.S. Travel Association, in support of specific travel industry legislative objectives. The ABA also joined forces with the Amalgamated Transit Union (ATU), which clearly assisted in building strong bipartisan support for our cause. Then, with the introduction of the CERTS Act, the coalition expanded to include the Passenger Vessel Association. Additionally, as economic environment continued to deteriorate from spring into summer, motorcoach manufacturers Prevost and MCI/New Flyer also reached out in an effort to better coordinate advocacy efforts and brought additional lobbying resources to the coalition. Also, as ABA and UMA continued to seek grass roots assistance from our association members, additional ABA members, including DATTCO, Lorenz and Windstar, brought on lobbying resources and began coordinating efforts with the broader coalition, as well as aggressively recruiting operators and contacting legislative offices. In all, we have over 40 participating companies/entities coordinating efforts now, with an even larger number of actual bodies conducting outreach and engaging in social media efforts. Although we have not reached our final goal yet, we have had a number of successes, including recruiting bi-partisan champions in the House and Senate to support our cause, obtaining successful dear colleague letters to Congressional Leadership in both the House and Senate, managing a national rally in D.C. with over 1,000 motorcoaches, holding numerous calls/meetings with Administration officials in the departments of Treasury, Transportation and Homeland Security, participating in calls with White House officials, the introduction of bi-partisan legislation in both the House and Senate, along with multiple successful media campaigns to help bring these successful actions about. It has truly been a team effort and continues to be a team effort, and will be the only way we can reach success.

2. FY 2021 Appropriations

The legislative demands driven by COVID-19 interfered with the annual appropriations process. Coupled with it being an election year, it is unlikely any of the 12 appropriations measures will be completed. At this point, Congress will likely pass a continuing resolution to keep the government funded; the question will be the length of the CR. At a minimum, it will last through the coming election, but it may then leave time for a “lame duck” session or it could run through to the start of a new Congress in January 2021. However, as noted above, there remains interest in additional coronavirus relief legislation, and we could very likely see the convergence of the appropriations process and additional coronavirus relief legislation, with the looming threat of a government shutdown driving the process.

The House did pass 10 of the requisite 12 appropriations bill, conducting expedited committee markups and then packaging several bills into two consolidated packages that passed the chamber toward the end of July. The only 2 appropriations bills that remain pending in the House are the Homeland Security and the Legislative Branch appropriations bills. The Senate
appropriations committee began preparations to take up several of bills starting in June; however, with Democrats wanting to add coronavirus spending riders to the bills, Republican Chairman Shelby stopped the process.

a. **Transportation** – The FY 2021 House transportation appropriations bill (H.R. 7616) does not include anti-motor carrier provisions like the FY 2020 bill. Last year’s House bill had several “unfriendly” provisions including a provision to limit FMCSA’s preemption review of the California meal and rest break rules, which did not make it into the final enacted bill. This year’s bill was more straightforward, although it includes a significant bump of $207 million over FY 2020 funding levels for FMCSA, and an additional $26 billion for specific programs within DOT to support economic recovery from the coronavirus by “strengthening and making more resilient the nation’s aging infrastructure,” i.e. funding for airports, Amtrak, highways and maritime. A full summary of the FY 2021 bill, as part of a 6-bill package that passed the House on July 31, can be found here.

b. **Security Grants** – The House Appropriations Committee did produce a FY 2021 Homeland Security appropriations bill (H.R. 7669), however after initially being incorporated into one of the bill packages for a floor vote it was then dropped immediately prior to consideration. The House Democratic Leadership could not resolve disputes within its conference to bring the bill up for a vote (sectors of the conference opposed funding for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) divisions). The bill did include $110 million for the public transportation security grant program, with $3 million specifically allotted to the Intercity Bus Security Grant program. It remains to be seen what the final outcome will be for next year, depending on a final agreement between Congress and the Administration for funding the government through FY 2021.

3. **Infrastructure/Surface Reauthorization**

The current surface transportation authorization (FAST Act) expires on September 30, 2020. Last year, the Senate Environment and Public Works Committee produced a section of a reauthorization bill, (S. 2302), reauthorizing the federal highway program. However, the other Senate committees involved in the process have not taken any further formal action. In the House, after promising a bill for months, Chairman DeFazio of the House Transportation and Infrastructure Committee (T&I) produced bill in mid-June and promptly proceeded to markup. The bill was not a bi-partisan product, and took several days to clear committee. The bill was then packaged with several other bills of high priority for the Democrats and voted on July 1 (H.R. 2). At this time, there is no expectation for the Senate to take up the House bill, or begin negotiations. It is an election year, and with so many other competing demands to address by September 30, we believe Congress will likely pass a simple extension of the current authorization to keep the surface transportation programs operating and the collection of gas tax revenue.

In terms of substance, ABA supports the Senate bill because it included ABA’s revisions to the tolling parity language from the FAST Act. The House bill also includes language to address the
tolling parity issue that would be acceptable. As to motor carrier issues, the House bill does not include any radical changes to FMCSA programs. However, the bill does include revisions to the charter transportation statute under the Federal Transit Administration’s oversight, which ABA strongly opposes. In brief, the changes exempt from the charter rule restrictions short-term fixed route service for less than 30 days, accessible to the public that is contracted by the local government that provides cost-share to the public transit. This would allow public transit operators to compete directly with private charter operators. ABA tried to work with Chairman DeFazio’s staff to stop this provision, but they stood firm on the language. We have since undertaken outreach to other offices in both the House and Senate, both Republican and Democrat, to fight this provision.

III. EXECUTIVE BRANCH MATTERS

In addition to legislative advocacy to address the impacts of the pandemic, ABA has sought relief from various regulatory and administrative requirements in the past 6 months, while also staying on top of other administrative/regulatory actions.

A. COVID-RELATED ADMINISTRATIVE RELIEF

The ABA worked across the Executive branch to assist ABA members by obtaining various forms of relief in the wake of the coronavirus pandemic. Below is a brief list of items ABA successfully advocated for or pursued:

1. U.S. Department of Transportation/Federal Motor Carrier Safety Administration –
   a. Ensured passenger motor carriers were included in FMCSA’s Hours of Service National Emergency Declaration, which has since been extended several times.
   b. Obtained temporary waivers to address expiring CDLs and medical certificates for drivers (the waivers will expire September 30, 2020.)
   c. Obtained waiver on pre-employment drug testing if not working up to 90 days.
   d. Ensured passenger motor carriers were considered as part of FMCSA coronavirus guidance issued related to cross border operations.
   e. Continue to remain in contact and share information on state of the motorcoach industry.

2. U.S. Department of Homeland Security -
   a. Clarified “essential worker” definition to include passenger motor carrier workers, in coronavirus guidance prepared by Cybersecurity & Infrastructure Security Agency (CISA) to assist states.
b. Obtained extension to file security grant applications, from Federal Emergency Management Administration (FEMA).

c. Obtained extension on the implementation of the new security training/personnel rule from Transportation Security Administration (TSA).

3. U.S. Department of Defense -

a. Obtained extension on the implementation of the new Military Bus Agreement.

**B. U.S. DEPARTMENT OF TRANSPORTATION**

1. FMCSA

a. Rules

i. Driver Training Rule – Back at the end of January, FMCSA published an interim final rule delaying the compliance date for the entry-level driver training rule (ELDT), to February 7, 2022. FMCSA needs additional time to complete development of the electronic Training Provider Registry (TPR). The TPR allows training providers, including motor carrier operating companies, to self-certify they have met the training requirements; and is intended to provide the electronic interface for receiving and storing ELDT certification information from training providers, as well as transmitting such information to State Driver Licensing Agencies.

ii. HOS: On June 1, FMCSA published its final rule amending the hours of service rules in four areas, to provide greater flexibility, based on efficiencies achieved through adoption of the electronic logging device rule of 2015. The changes: 1) expand the short-haul exception to 150 air-miles and allows for a 14-hour work shift; 2) expands the driving window during adverse conditions by up to an additional 2-hours; 3) requires a 30-min rest break after 8-hours of driving (for property carriers); 4) modifies the sleeper berth exception. Two of these 4 changes, the short-haul and adverse driving condition changes are relevant to motor carriers of passengers. Initially, FMCSA focused this rulemaking on property carriers only; however, due to ABA’s outreach, the Agency ensured passenger carriers were included in consideration, where pertinent. The ABA filed comments in support of the 2 changes affecting passenger motor carriers, and with the rule now final these changes will go into effect on September 29, 2020.

iii. No Defect DVIR: On August 18, FMCSA published its final rule rescinding the requirement for passenger carrier drivers to submit, and motor carriers to retain, driver-vehicle inspection reports when no vehicle defect or deficiency was identified. The analogous property carrier requirement was removed in 2014. This action should reduce costs and administrative paperwork burdens, and reduce additional touch points as a matter of health safety practice during this pandemic. The rule goes into effect September 17, 2020.

iv. Lease & Interchange: As you may recall, ABA and its members successfully convinced FMCSA to revise its 2015 Lease and Interchange rule, with the revised rule published in August 2019. The revised rule addresses the concerns with the original rule raised by industry,
primarily by excluding arrangements between two or more motor carriers of passengers from the leasing requirements, as long as all motor carriers involved have operating authority in good standing from the Agency. This is just a reminder that the requirements outlined in 49 C.F.R. 390 subpart G, will need to be complied with starting January 1, 2021, meaning, in brief, arrangements involving motor carriers of passengers that do not have operating authority in good standing will be subject to the new leasing requirements.

b. Administrative Actions

i. New Acting Administrator: On August 31, Deputy Administrator/Acting Administrator Jim Mullen stepped down, and was replaced by Wiley Deck. Mr. Deck previously held a government affairs position in FMCSA earlier in the Administration, and was most recently serving in Secretary Chao’s office as a senior policy adviser. Prior to working at DOT, Mr. Deck held various positions on former Congressman John Mica’s staff.

ii. Crash Preventability: On May 6, FMCSA published notice it was making the Crash Preventability Program permanent. This program, initiated as a demonstration program in July 2017 and was more formalized in August 2019, allows operators to seek crash determinations on whether a crash was preventable or non-preventable, and to challenge crashes that appear on their safety record. Under this final program, FMCSA will also remove crashes deemed not preventable from the Safety Measurement System (SMS) prioritization algorithm. As well, FMCSA will note the not preventable determinations in the driver’s Pre-Employment Screening Program (PSP) record and note not preventable, preventable, and undecided determinations in the motor carrier’s list of crashes on the public SMS website.

iii. Beyond Compliance: On August 18, 2020, FMCSA published notice and is taking comments on an information collection request (ICR) related to a new study planned for the Beyond Compliance Program. The 2015 FAST Act required FMCSA to implement a “Beyond Compliance program” to allow recognition, (including an improved SMS percentile) for motor carriers who voluntarily employ advanced safety equipment and adopt certain safety programs. The study will assemble a group of high-performing carriers in terms of safety performance, and gather from them data on the most effective technologies, programs and policies for achieving safe operations. It is unclear from this initial ICR if or how passenger motor carrier operations will be accounted for in the study. Comments are due by September 17, 2020.

iv. Exemption Petitions –

- Last year, ABA filed comments in support of a petition filed by Vision Systems North America, Inc, for an exemption from 49 C.F.R. 393.80(a) to allow motor carriers to operate CMVs equipped with a camera monitoring system (CMS) as an alternative to the traditional two rear-vision mirrors required by the regulation. On January 15, 2020, FMCSA published notice granting the petition. On January 30, 2020, FMCSA published notice of another petition request from Bosch, which ABA also filed comments in support. If the Bosch petition is granted, it will provide 3 vendors in the marketplace with CMS systems authorized for use on CMVs.
- A joint petition for exemption filed by Adirondack Transit Lines Inc. and and Pine Hill Kingston Bus Corp. and Passenger Bus Corp., and supported by ABA, was granted on June 1. The petition concerned the marking requirements under 49 CFR Part 390, for interchange and pooling operations. The decision grants an exemption from the rules effective June 1 through May of 2025.

- Although FMCSA did publish and seek comments on pending ABA petitions seeking preemption, several of which were filed under the last Administration, there are no updates to report on these. The petitions concerned the following: 1. New York’s 19-A program; 2. Chicago airport decal requirement; and 3. San Francisco airport inspection program. These petitions were filed at the behest of ABA members; however, upon publication, very few comments were filed.


a. Administrative Actions

i. Seatbelts: Based on prior success by ABA General Counsel Rick Schweitzer, in obtaining an exemption for Hemphill Brothers Leasing Company, LLC (Hemphills), from FMVSS No. 208, published on November 14, 2019, ABA continued to work to obtain exemptions for 13 other manufacturers in support of the Entertainer Motorcoach Council. Hemphills’ exemption basically allows the use of 2-point seat belt configurations at side-facing seating positions on entertainer motorcoaches, in place of the current requirement of 3-point seat belt configuration. Initially, NHTSA stated it could not grant exemptions to a group, but only to individual manufacturers, based on individual petitions. Therefore, Rick filed individual petitions for operators who expressed interest (13 in all), also assisting them to register properly as manufacturers as appropriate. These petitions were then published as a group for consideration and comment on August 20, 2020, with comments due on October 19. ABA held a call with the Entertainer Motorcoach Council on September 1 to provide both an update on the proceeding and discuss how to file comments, with ABA providing a template.

C. U.S. Department of Interior - National Park Service

a. Administrative Actions

i. CUAs & Entrance Fees: Since initial publication of the press release announcing proposed changes by the National Park Service (NPS) to park entrance fees and commercial use authorization requirements in October 2017, ABA has aggressively fought against the changes. The finalized proposal, published in April 2018, imposed significant entrance fee increases and imposed commercial use authorization (CUA) requirements on commercial tours by motorcoach. On May 26, 2020, NPS officially sent ABA an announcement that it was cancelling its plans both to increase park entrance fees and impose the CUA requirements on motorcoach tour operations.
**D. U.S. Department of Homeland Security**

1. **Transportation Security Administration**
   
a. Rules
   
i. **Security Training Rule:** On March 23, TSA published its long awaited final rule on security training, establishing security training requirements for surface transportation operators including certain over the road bus companies. The effective date for the rule was initially to be June 22, 2020, with compliance dates no later than July 29, 2020. However, due to the pandemic, ABA petitioned the Agency to delay implementation of the rule. On May 1, TSA published notice delaying the effective date of the rule to September 21, 2020, along with the related compliance dates to no later than December 20, 2020. As the U.S. motorcoach industry continues to reel from the impact of the coronavirus pandemic, ABA has submitted another petition to TSA requesting further delay in the implementation of this rule.

2. **Federal Emergency Management Administration**
   
a. Administrative Action
   
i. **Intercity Bus Security Grants:** On February 14, 2020, FEMA announced the opening of the application process for seeking 2020 IBSG awards out of the $2 million appropriated to the program in 2019. The ABA held a joint webinar with FEMA to assist prospective applicants, on February 27. The original closing date for applications was to be April 15, however, due to the outbreak and spread of the coronavirus in the United States starting in March, ABA requested FEMA extend the IBSG application deadline. FEMA agreed, and extended the deadline till the end of April. The Agency was prohibited by law from extending it any further. On June 30, 2020, FEMA announced the 37 recipients who received awards from the FY 2020 funding.

---

**IV. 2020 ELECTIONS**

The general elections for the offices of president/vice-president, about 1/3rd of the U.S. Senate seats and the entire U.S. House of Representatives, will occur in November. As well reported in the media and witnessed through the election primary process these past several months, the coronavirus is playing a major role not only in the political debate but also in terms of how election activities are proceeding and how votes will actually be cast. This month, both political parties were forced to revise their national convention plans and transition to virtual platforms. Politicians are also facing significant struggles in terms of fundraising efforts, attempting to efficiently adapt to virtual schemes and limiting in-person activities. This, in turn, has required ABA to adapt in terms of participating in BusPAC-sponsored events.

In terms of the campaign field, the Democrats has chosen former Vice President Joe Biden and sitting senator Kamala Harris, as the presidential nominees, to square off against incumbent
President Donald Trump and Vice President Mike Pence. In this election as well, the balance of power in the U.S. Senate is at stake. Currently, Republicans hold the majority with 53 seats, to 45 Democratic seats and 2 seats held by Independents who caucus with the Democrats for a total of 47 seats. There are 35 seats up election this cycle, and a gain of 4 seats by the Democrats would place them in the majority. Of the 35 seats, 23 are currently held by Republicans, including Majority Leader McConnell’s seat. As of now, the most vulnerable Republican seats are: Martha McSally (R-AZ), Cory Gardner (R-CO), David Perdue (R-GA), Joni Ernst (R-IA), Susan Collins (R-ME), Steve Daines (R-MT), and Thom Tillis (R-NC). On the Democratic side, the most vulnerable seat is held by Doug Jones (D-AL), who is running for a full term after winning a special election in 2017. This line-up is a switch from 2016, when the Republicans had an advantage over the Democrats in terms of number of senate seats held that were up for election.

In the House, all 435 seats are up for election. Currently, Democrats hold a 232-198 advantage over Republicans, with one seat held by a Libertarian and 4 vacancies to be filled. It is reported that about 82 seats are considered “battleground” races, with 42 of these seats being held by Democrat incumbents and 38 Republican incumbents, and one currently vacant. The current election environment at this point favors the Democrats holding onto the House.

V. RESOURCE MANAGEMENT

A. Councils

1. BISC

Due to the coronavirus pandemic, the June 2020 BISC Summer meeting transitioned into a virtual meeting. Over the course of June and July, a series of education sessions and presentations were held virtually. In total, there were more than 20 sessions conducted over the 7 weeks, including several certification seminars. As well, BISC was able to secure new sponsors as the series progressed. Additionally, to foster networking, BISC held virtual happy hours to give participants face-to-face opportunities otherwise missed due to the cancelling of the in-person meeting. Another series of 8-12 virtual sessions is planned for October and November, and will include outreach to California Bus Association members, to replace the BISC West meeting which also had to be cancelled. At present, BISC will continue to adjust its January/February presentation plans as the ABA Marketplace schedule continues to evolve and discussions have been held with IMG about integration into a potential joint virtual series. Also, BISC/ABA are pursuing a new partnership with the National Limousine Association, to expand reach.

2. BusMARC

BusMARC was also forced to adapt its meeting plans in response to the pandemic. Similar to BISC, BusMARC presented virtual sessions in a 4-week series of events during July. Presentations featured each of the major manufacturers and focused on maintenance and
COVID-19 related topics as well as a virtual tour of a Coach USA facility in Wisconsin. A similar virtual series for January is also under development, should it be necessary.

**B. State/Regional/Industry Associations**

Due to the coronavirus pandemic, ABA has not attended any state or regional meetings since February. We continue to coordinate with state and regional associations as part of overall advocacy activities, and provide assistance as requested. Also, as part of the larger advocacy activities related to supporting the motorcoach, tour and travel industry, ABA is working with a number of associations, particularly in relation to the CERTS Act (S. 4150/H.R. 7642), notably the United Motorcoach Association, the National School Transportation Association, the Passenger Vessel Association, and the Amalgamated Transit Union.

**VI. PAC ACTIVITIES**

The BusPAC account balance currently stands at $255,691 and the Administrative Fund stands at $10,481. To date this year, we have made BusPAC contributions in the amount of $52,000, and collectively attended 30 events (note, the current balance in the BusPAC account does not reflect all of these commitments to date). The BusPAC account has played a tremendously important role in the coronavirus relief advocacy efforts, enabling ABA to reach and educate legislators who we generally do not engage with during non-coronavirus times. For purposes of comparison, we participated in a total of 35 events for all of 2019, utilizing $40,000 in BusPAC funds.

In terms of the Administrative Fund, ABA will be relying on this fund to offset the costs of our on-line PAC management service, which provides for the accounting of PAC contributions/distributions and filing of reports in compliance with the Federal Election Commission.