



## GOVERNMENT AFFAIRS AND POLICY MONTHLY UPDATE



March 2017

### ABA'S 2017 Capitol Hill FLY-IN

**Reminder:** Come join fellow ABA members in May, for the 2017 "Capitol Hill Fly-In." The event begins with a dinner the evening of May 3, followed the next day by a morning briefing and Congressional office meetings in the afternoon. Additionally, on May 3 prior to dinner, BusPAC, ABA's political action committee, will host a "Thank You" reception for BusPAC members. Forms to register for the event can be accessed by [clicking here](#). Also, to join BusPAC, [click here](#).

**Prep:** ABA will also hold a pre-fly-in **webinar** on **April 12 at 2 pm ET** to assist in preparing members to participate in meetings with Legislative officials. Register for this event by [clicking here](#).

### *March Madness – Washington, D.C. Style*

Usually associated with the NCAA basketball tournament, the expression "March Madness" can equally apply to matters in Washington, D.C. these days...

#### LEGISLATIVE

**The President's Address:** Although not an official "State of the Union" address, on February 28 the President gave a joint address to Congress outlining his priorities. In the interests of the motorcoach, tour and travel industry, his speech included references to a "new program of national rebuilding," based on his intent to seek legislation producing a \$1 trillion infrastructure investment, tied to job creation, with an emphasis on buying American and hiring American. Also, he mentioned tax reform, both in terms of corporate and individual, and the importance of regulatory reform, to reduce "job-crushing regulations."

**Nominations:** To date, 13 of 15 Cabinet level positions are now confirmed (the Labor and Agriculture departments remain unconfirmed); other sub-cabinet positions remain behind schedule, as well, including leadership positions for DOT. However, Jeffrey Rosen was nominated as Deputy Secretary for DOT on March 7; he is not unfamiliar with DOT, as he served as General Counsel in the most recent Bush Administration. The Senate also began confirmation hearings this week for Judge Neil Gorsuch, to fill the open seat on the Supreme Court.

#### **FY 2018 Budget Proposal**

On March 16, the White House released an outline or "skinny" budget proposal to fund the Government in FY 2018. The proposal outlines the Administration's views on funding the Government in FY 2018, however it is not binding on Congress. A more detailed budget is expected in May. Briefly, the budget proposes to cut \$54 billion from non-defense department budgets (i.e. DOT and other non-military programs) and increase the Defense Department budget by \$54 million. For DOT, it proposes eliminating funding for the TIGER grant program; reducing and restructuring subsidies to Amtrak and terminating funding for long-distance trains; limiting funding for the Federal Transit Administration's "new starts" program only to established grant agreements, i.e. no funding for new "new starts" grants; and eliminating funding for the Essential Air Service Program, resulting in an overall cut to DOT of 13% from FY17 levels. On its face, this proposal may be appealing to our industry in terms of DOT programs; however, it is very unlikely to be adopted by Congress through the appreciation. [Click here](#) for a copy of the "skinny" budget proposal.

**Affordable Care Act:** Following a markup of various parts of legislation, a bill was cobbled together and passed by the House of Representative's Budget Committee to "repeal and replace" the Affordable Care Act (i.e. Obamacare). It is now scheduled to be voted upon by the full House on Thursday. However, as there remains opposition to the proposal from the conservative wing of the Republican Party, there is a slight possibility the schedule may slip due to various efforts to modify the proposal.

The President is also participating in the effort by encouraging Republicans to unify on the issue. The Senate, alternatively, is not supportive of the House proposal.

**Tax Reform:** Tax reform has moved to the back burner, while debate and effort is put toward repeal/replacement of the ACA. The House Republican's tax reform "blueprint" proposal, or more specifically the "border adjustment" provision, remains the primary focus of discussion in Washington, although Senators are voicing their interest in a putting together their own proposal.

**Infrastructure:** Infrastructure also remains a topic of discussion, but is seen in the context of following ACA repeal and tax reform – which is looked upon as a method to find revenue to fund an infrastructure legislative package. However, as this is an area where Democrats and Republicans may find common ground, an infrastructure bill could serve as a vehicle later in the year to move more controversial legislation like ABA repeal/replace and/or tax reform, if these measures do not pass on their own. Chairman Shuster, of the House Transportation & Infrastructure Committee, recently expressed his hope for consideration of an infrastructure package by next spring.

**FY 2017 Appropriations:** The current Continuing Resolution (CR) is set to expire April 28, 2017. As yet, Congress has not clarified how it will proceed to address funding for the remainder of the FY 2017 – Congress may try to pass stand-alone non-controversial appropriations bills, like the transportation appropriations bill, and then bundle the remaining into an omnibus measure; or they may simply punt and pass another CR to cover the remainder of the year. If another CR is passed, the intercity bus security grant program (IBSGP) should receive \$3 million for another round of grants; however, it is unclear if there will be continued funding if an omnibus measure is passed, as the House bill contained no funding while the Senate bill contained \$3 million.

**FY 2018 Appropriations:** As the FMCSA lease & interchange rule is still active, ABA is seeking to include language in the FY 2018 transportation appropriations bill to stop its implementation, scheduled to go into force January 1, 2018. As well, ABA is seeking an increase in funding for the bus security grant program. ABA has aggressively participated in the process by meeting with multiple Congressional offices and submitting official requests.

## REGULATORY

**Executive Orders (E.O.):** On February 24, the President issued [E.O. 13777](#) to assist in enforcing his prior E.O.s concerning regulatory reform. This E.O. directs each Department to establish a Regulatory Reform Officer and a task force to ensure the President's initiative for regulatory reform is properly executed. Also, on March 13, the President issued [E.O. 13781](#), proposing to reorganize the entire executive branch to improve the efficiency, effectiveness and accountability of the branch, to eliminate unnecessary agencies, components of agencies, and agency programs.

### **FMCSA:**

- **Lease and Interchange:** Although ABA initiated a letter campaign to Secretary Chao to stop the 2015 rule from going into force, we have not heard further from DOT or FMCSA. This not surprising as the DOT is not yet fully staffed. Therefore, ABA is pursuing language in the FY 2018 appropriations bill to stop the rule from going into force.

- **Entry Level Driver Training Rule:** The effective date of the rule was delayed pursuant to the Regulatory Freeze put into place by the President on the day of his inauguration. The first delay had the new effective date as March 21, 2017; however, it is now reported this date will be pushed out to May 22, 2017.

- **Electronic Logging Devices:** The final rule has a phased compliance period. **The first compliance date is December 17, 2017.** As of that date, all operators will be required to begin using ELDs. For operators already using an Automatic On-Board Recording Device (AOBRD), there is additional time to transition from an AOBRD to an approved ELD, with a compliance date of December 16, 2019. [FMCSA recently published a new list of ELD FAQs](#). ABA is monitoring the list of FMCSA-registered ELD vendors, which has increased substantially in recent months. [Click here](#) to view the list of registered vendors

### **OTHER AGENCY ACTIVITIES:**

- **TSA: Security Training NPRM:** ABA filed general comments by the deadline of March 16, 2017. Acknowledging the complexity of the proposal, TSA has stated it will continue accepting comments for the foreseeable future, please email any comments to [SecurityTrainingPolicy@tsa.dhs.gov](mailto:SecurityTrainingPolicy@tsa.dhs.gov).

- **TSA: Vulnerability Assessments & Security Plans ANPRM.** Initially, ABA filed a request to extend the initial comment period, but was not successful. However, after filing general comments by the original deadline of February 14, TSA has announced it on March 14 it is re-opening the comment period based on ABA's initial request. ([82 Fed. Reg. 13575](#)). **The new deadline for filing comments will be May 15, 2017.** To access the docket [click here](#).

- **OSHA: Workplace Tracking of Injuries and Illnesses Regulations Final Rule – Possible Roll Back by Congress:** Congress is taking aim to repeal this rule legislatively. To date, the House has passed legislation, and action is now pending in the Senate.

**FHWA/FTA: Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform Final Rule – Possible Roll Back by Congress:** This regulation has been targeted for repeal by Congress, too. Legislation in both House and Senate is currently pending at the committee level.

**NHTSA: Structural Integrity Rule Pulled Back.** ABA was informed that OMB removed from its publication schedule the NHTSA final rule concerning motorcoach rollover structural integrity, as mandated by MAP-21. NHTSA officials have also received a request from OMB and the current political leadership at DOT, to postpone rulemaking efforts on this issue.