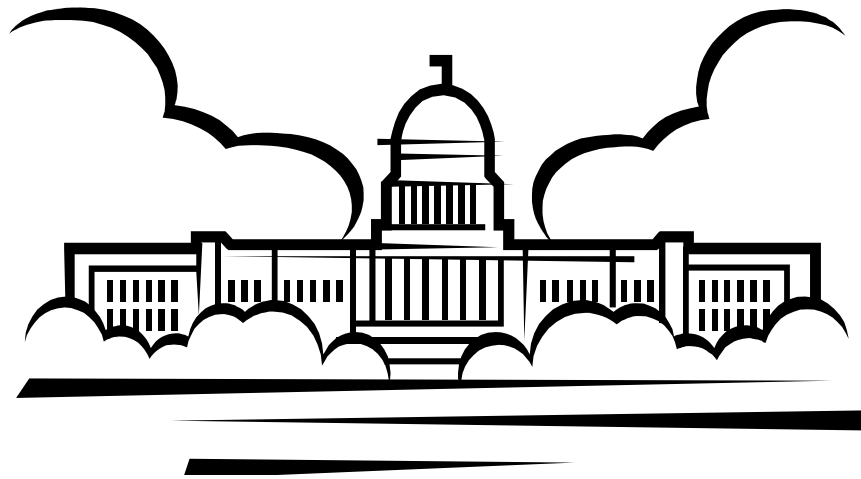




NSTA'S ADVOCACY E-MANUAL

PUBLISHED BY THE NATIONAL SCHOOL TRANSPORTATION ASSOCIATION

A MEMBER'S GUIDE TO WORKING WITH THEIR ELECTED REPRESENTATIVES



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THE LEGISLATIVE PROCESS

The following outlines the path that legislation most often follows on its way to becoming law. (For more detailed information, please go to the Congressional website, <http://thomas.loc.gov/>.) Essentially, the process goes like this:

- I. **Introduction of Bill:** A Member of Congress **introduces** a piece of legislation or bill. It can be introduced in either the House of Representatives (House) or Senate or both, except that all appropriations or funding bills start in the House. A bill number is assigned
- II. **Committee Consideration:** The bill then goes to the appropriate committee based on the issue addressed—for consideration. That committee refers the bill to a specific subcommittee, where a hearing is often held and interested parties can testify for or against the bill. After the hearing, a **mark-up** occurs where amendments are debated and voted on to revise the original bill. The bill then is voted out of the subcommittee to the **full committee**, where more hearings and another mark-up may take place. The committee votes to decide if the bill will be "reported out" of committee for consideration by the entire legislative body.
- III. **Floor Action:** Once the bill is reported out of the committee, the process differs somewhat in the House and Senate. In the House, the bill goes to the Rules Committee, where rules are given to the legislation, which regulate time limits for debate and determine whether all Members of the House can offer amendments. In the Senate, the bill moves from committee passage to floor debate.
- IV. The Speaker of the House and the Senate Majority Leader hold great power due to their responsibility for scheduling **floor debate**. A common tactic for "killing" a bill is to delay scheduling of the bill so that it may not be voted on. After the bill is scheduled, floor debate occurs and amendments may be offered (if allowed by the rule in the House). The bill is then voted on for final passage. If it passes, the same process occurs in the other chamber.
- V. **Conference:** The legislation passed individually by the House and the Senate usually differs due to the amendments offered in the committees and on the floor. Each chamber's version must go to a **conference committee** made up of members from both chambers in order to work out the differences. A **conference report** is issued which contains the bill with all agreed upon compromises. Both the full House and Senate then vote on the conference report. If the conference report passes both houses, the bill is then sent to the President for signature.
- VI. **The Bill Becomes Law or Is Vetoed:** The President may either sign the bill into law or veto the bill and return it to Congress. A vetoed bill dies unless the required two-thirds majority in both the House and Senate overrides the veto.

APPROPRIATIONS AND AUTHORIZATIONS

An **authorization** bill establishes the details of the program, its reporting requirements, its duration, and the *maximum* amount of money allowed to be spent on the program. Typically, programs are authorized for many years and only need to be reexamined when the authorization expires.

**LEARN MORE ABOUT HOW A BILL BECOMES LAW AT NSTA'S WEBSITE
[HTTP://WWW.YELLOWBUSES.ORG/ISSUES/ADVOCACYTRACKER.ASPX](http://www.yellowbuses.org/issues/advocacytracker.aspx)**

THE REGULATORY PROCESS

WHY REGULATIONS?

Most bills that are adopted into law must be implemented by an administrative agency. The agency works out the details of the legislative intent through regulations. For example, suppose Congress passed and the President signed a bill requiring school buses to be equipped with safety restraints. It would then be up to the National Highway Traffic Safety Administration (NHTSA) to adopt regulations specifying the standards for construction or performance and installation of the restraints. This is the primary but not the only impetus for regulations; some of the others are:

- A directive from Congress to determine if a new regulation is needed
- A petition from a manufacturer, consumer, or interest group
- Changes in technology or society
- Response to independent or government research
- Periodic review of regulations

THE NOTICES

The first notice of an agency's intention to adopt a regulation is publication in the *Federal Register* of an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM).

The **ANPRM** is an information-gathering tool. An agency uses it when it does not have enough data on which to base a regulation. The notice invites interested parties to share information and opinions on any aspect of the proposal, and will often pose questions to get the desired information. There is no action required of an agency following a ANPRM; if the agency feels that the information it received does not indicate a need for a regulation, it can simply drop the matter.

If the agency believes it has enough data to justify a proposal, it can skip the ANPRM and go directly to an **NPRM**. The NPRM is a more formal document and by law must include:

- A summary of the proposed rulemaking;
- A description of the relevant laws and current regulations;
- The background of the proposal, including how it came about and what data exist;
- A detailed explanation of the proposal and its effect on regulated entities;
- A contact person, how and where to comment, and the deadline for comments;
- Rulemaking analyses; and
- The legal text of the proposed regulation.

In many if not most NPRMs, the **analyses** make up the largest part of the document. This is where you will find the detailed cost/benefit analysis as well as answers to questions such as:

- “What is the effect on small businesses?”
- “Will it harm the environment?”
- “Does it interfere with states’ rights?”
- “Will it have adverse economic effects?”
- “Is it an unfunded mandate of more than \$100 million in one year?”

These analyses are tedious to read, but sometimes reveal miscalculations that warrant prompt comment from the targeted industries.

COMMENTS

The purpose of the NPRM is to give the public—and in particular, the regulated entities—an opportunity to comment on the proposal before it becomes final. The comment period is usually 60 days, and the agency must consider all comments submitted before the deadline. In most cases, you can send your comments by mail, fax, hand delivery, or the Internet. See below for details on how to submit comments.

NEXT STEPS

Following the comment period, the agency has several options. It can publish a **Final Rule**, which may be the same as the proposed rule or modified by the comments received. It can publish an **Interim Final Rule**, which acts as an emergency measure to put standards in effect while the agency continues to work on the rulemaking. Or it can give the issue **benign neglect** by keeping the rulemaking open but not acting on it further. Often a period of benign neglect that spans several years is followed by a **Notice of Supplemental Rulemaking (NSRM)**, which allows the agency to revisit the issue with new information. On rare occasions, **Congress intervenes** to prevent an agency from adopting a final rule that is unpopular with constituents.

RESPONSE TO FINAL RULE

In most cases, once a final rule is adopted, it is incorporated into the **Code of Federal Regulations (CFR)** and remains in effect until something changes to restart the process. Occasionally, though, an affected entity is unhappy enough to challenge the rule. The first recourse is a **Petition for Reconsideration**, which sets forth the reasons the petitioner believes the rule is onerous. If the petitioner presents valid data and a convincing argument, the agency grants the petition. In that case, it publishes a notice in the *Federal Register* granting the petition and postponing the implementation date of the final rule. It then publishes a revised final rule prior to the implementation deadline.

If the agency denies the petition, the affected entity may seek a **court injunction** to delay the rule and force the agency to reconsider. They may also enlist the help of **Congress** to direct the agency to reconsider.

NSTA'S PROFESSIONAL TEAM

The National School Transportation is proud to provide its members with consultants to serve as advocates on Capitol Hill and with federal agencies. The NSTA Government Relations team includes:

BKSH & ASSOCIATES

BKSH & Associates is a full-service governmental affairs firm.

BECKY WEBER, MANAGING DIRECTOR

Becky manages legislative efforts on behalf of the National School Transportation Association and specializes in transportation issues.

GABE ROSZA, DIRECTOR

Gabe manages legislative efforts related to energy and environmental issues on behalf of the National School Transportation Association.

LEEDS CONSULTING

Leeds Consulting provides expertise on regulatory issues affecting the school bus industry.

ROBIN LEEDS, INDUSTRY SPECIALIST

Robin is NSTA's regulatory expert and liaison to the federal agencies. She provides analyzes and comments on proposed regulations, and helps members with compliance issues.

You can reach these consultants through NSTA's Central Office – via email at info@yellowbuses.org or via phone at 800-222-6782.

GRASSROOTS LOBBYING

TIPS ON WRITING CONGRESS

The letter is the most popular choice of communication with a congressional office. If you decide to write a letter, this list of helpful suggestions will improve the effectiveness of the letter:

- Tip 1.** Your purpose for writing should be stated in the first paragraph of the letter. If your letter pertains to a specific piece of legislation, identify it accordingly, e.g., House bill: H. R. _____, Senate bill: S. _____.
- Tip 2.** Be courteous, to the point, and include key information, using examples to support your position.
- Tip 3.** Address only one issue in each letter; and, if possible, keep the letter to one page.

When writing your letters, keep the following in mind:

- Tip 1.** Focus on one issue or bill per letter and identify the bill by name and number.
- Tip 2.** Express your point of view and explain why your legislator should be supportive. Be brief and courteous.
- Tip 3.** Briefly explain the local impact of the legislation—just the facts.
- Tip 4.** Request that your Member of Congress take a specific position on the bill cosponsor it or to vote for its passage.
- Tip 5.** When writing an individual letter, use your signature and personal letterhead, and state that you are a private school bus contractor.
- Tip 6.** Make sure your return address is on the letter (envelopes often get lost) so that your Member of Congress can respond.

ADDRESSING CORRESPONDENCE:

To a Senator:

The Honorable (full name)
__(Rm.#)__(name of) Senate Office Bldg.
United States Senate
Washington, DC 20510

Dear Senator:

To a Representative:

The Honorable (full name)
__(Rm.#)__(name of) House Office Bldg.
United States House of Representatives
Washington, DC 20515

Dear Representative:

NOTE:

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When writing to the Chair of a Committee or the Speaker of the House, it is proper to address them as:
Dear Mr. Chairman or Madam Chairwoman: or Dear Mr. Speaker:

SAMPLE LETTER TO YOUR MEMBER OF CONGRESS

USE YOUR COMPANY LETTERHEAD

Date

The Honorable Sam Sample
US House of Representatives
Washington, D.C. 20515

Dear Representative Sample:

[IF YOU KNOW YOUR MEMBER PERSONALLY, CUSTOMIZE THE GREETING.]

I am a private school bus contractor in (City and State). On behalf of the school bus industry, I urge you to support/oppose (reference the specific legislation.)

This legislation will have a significant impact on my business and the schools I serve...

Thank you for your leadership in support of keeping school transportation safe, affordable, and efficient. I look forward to your response.

Sincerely,

Jan Smith
President
Company name
Phone Number

CALLING YOUR ELECTED REPRESENTATIVES

To find your senators' and representative's phone numbers, you may use NSTA's searchable [online congressional directory](#) or call the U.S. Capitol Switchboard at (202) 224-3121 and ask for your senators' and/or representative's office.

Remember that a staff member, not the Member of Congress, usually takes telephone calls. Ask to speak with the aide who handles the issue about which you wish to comment.

After identifying yourself, tell the aide you would like to leave a brief message, such as: "Please tell Senator/Representative (Name) that I support/oppose (S. ___/ H.R. ___)."

You will also want to state reasons for your support or opposition to the bill. Ask for your Senators' or Representative's position on the bill.

Phone calls are an effective and fast way to communicate with your Members of Congress, especially when a critical vote is coming up. Phone calls can remind Members of Congress that constituents are closely monitoring their votes. Sometimes you may be able to talk directly with your Member of Congress or his/her key staff and have a more substantive conversation. Other times, your calls may be tallied and your Members of Congress given counts of constituents for and against the particular issue.

WHEN CALLING YOUR MEMBERS OF CONGRESS, KEEP THE FOLLOWING IN MIND:

- Ask to speak with the Member of Congress or the legislative assistant who handles the issue. You may also briefly state your position to the receptionist.
- Give your name, title, and school district.
- Focus on *one* issue or bill. Whenever possible, identify the bill by number and name.
- Briefly state what position you want your Member of Congress to take on the issue. Be prepared to give a locally based rationale for your position.
- Ask for your Member's position on the bill.
- If asked, give your address so that you can receive a written response.

TO CONTACT YOUR U.S. SENATORS AND REPRESENTATIVE: CALL THE CAPITOL SWITCHBOARD AT 202-224-3121 AND ASK TO BE CONNECTED TO YOUR SENATORS' OR REPRESENTATIVE'S OFFICE.

YOU CAN USE NSTA'S WEBSITE TO FIND YOUR REPRESENTATIVE'S CONTACT INFORMATION AT WWW.YELLOWBUSES.ORG.

TO CONTACT THE WHITE HOUSE, CALL THE WHITE HOUSE COMMENT LINE AT 202-456-1111.

HOW TO CONDUCT A PERSONAL VISIT

Meeting in person with your Members of Congress is the most effective way to make your views known and influence legislation. You can visit your Members of Congress in Washington, D.C. or at

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their district offices back home. Members of Congress schedule district work periods specifically so they can meet with constituents. They are often in their districts when Congress is not in session, and frequently on Mondays and Fridays.

In addition to going to one of your Members of Congress' office, consider inviting your Member of Congress to visit a school in your district to see programs in action! If a face-to-face meeting cannot be arranged, consider setting up a conference call with your Member of Congress and several other advocates.

THE FOLLOWING ARE GUIDELINES FOR SETTING UP A MEETING:

- Write or call your member of Congress' local or Washington, D.C., office and ask for the scheduler. State the subject(s) to be discussed and the time needed. Most meetings in Washington, D.C. last 15 to 20 minutes, although meetings in the home district can last longer, especially if a coalition of people is included.
- Depending on the issue, arrange to make your visit along with several other school bus operators, educators, or community members to demonstrate broad support for your position. Let the scheduler know who will be attending the meeting with you.
- Call NSTA to let us know that you have a meeting scheduled. We will provide you with the most up-to-date briefing materials for your meeting.

TIPS FOR A SUCCESSFUL MEETING:

- Tip 1.** Call the staffer to discuss issues in advance of meeting and afterwards.
- Tip 2.** Hold a pre-meeting with everyone who will be lobbying to make sure all speak with the same voice. Decide in advance who will discuss which points so that your visit runs smoothly.
- Tip 3.** Be concise and focus on just a few issues or bills.
- Tip 4.** Whenever possible, speak from personal experience. Provide brief anecdotal evidence of how this issue affects your school bus business and the service you provide to schools and the community, and therefore the Member of Congress' constituents.
- Tip 5.** Ask directly for your Member of Congress' support. If your Member of Congress is supportive, ask him/her to lobby other Members of Congress to support your position.
- Tip 6.** Always provide a concise, one-page fact sheet or letter describing your position to be left with the Member of Congress as a reminder of the issues and your visit.
- Tip 7.** After the meeting, write a letter to thank your Member of Congress for his or her time and reinforce your position.
- Tip 8.** Contact NSTA and let us know how your Member of Congress responded to the issues. Call NSTA at 703-684-3200 or by fax 703-684-3212.

IMPORTANCE OF CONGRESSIONAL STAFF

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Key staff are the “movers and shakers” behind any congressional office—their opinions and knowledge are passed on to their Member of Congress. It is advantageous to get to know the transportation staff as well as the chiefs of staff for both your Member's Capitol Hill staff and local district offices. Whenever you contact your Member in writing, send a copy to the staffer's attention or place a courtesy call so the staffer will know that an issue of concern to the school bus industry is being considered in Congress.

REGULATION LOBBYING

With the advent of the Internet, it is very easy to share your opinions on proposed regulations with federal agencies. It is also very important that you do so. Many of the proposals have direct impact on your business or on the safety of your passengers, and the agency needs to know how the proposal will affect day-to-day operations in order to make a realistic determination of the relative cost/benefit. There well may be an operational factor that the agency hasn't considered which could alter their analysis— or which could prompt a change in the proposal.

When an NPRM is published in the *Federal Register*, it includes a docket number as well as all the contact information you need to send your comments by mail, fax, hand delivery, or Internet. By far the easiest way to respond is through the Internet. For proposals from any of the agencies of the Department of Transportation (e.g. NHTSA, FMCSA, or FTA), go to www.dms.dot.gov and click on "Comment/submissions" at the top of the page. If you choose to comment without registering, the site will take you to a document submission form. Using the docket number of the proposal, fill out the form and simply write in your comments. You can also attach a more formal letter as a file if you prefer. Your comments will become part of the docket for that proposal, and you can read all the comments submitted by clicking on "Simple search" on the home page and typing in the docket number.

For agencies outside DOT (e.g. Education or Labor), go to www.regulations.gov. The home page is a search engine, where you can enter the agency and document number or keyword. When the search results appear, simply click on "Add comment" and fill out the submission form. This portal does not allow you to attach a file, but you can write in your comments. Both the DOT portal and this one allow you to submit comments anonymously if you choose not to include your name; but generally, you have more credibility if you identify yourself and your business.

STATE LIAISONS

Many of the Federal agencies maintain state or regional field offices. For example, FMCSA has an office in every state, and NHTSA has ten regional offices. Every state also has a Governor's Highway Safety representative, who coordinates with NHTSA. Getting to know the agent in your state is a good way to make sure your concerns are heard. If you're not sure who your field agent is or where the local office is located, you can find the information on the NHTSA or FMCSA website (www.nhtsa.dot.gov; www.fmcsa.dot.gov).

USING THE MEDIA

TOP 10 TIPS FOR EFFECTIVE MEDIA

Stay local. One strong article in your hometown newspaper may be worth ten in the *New York Times*.

- Tip 1.** Keep it focused. You may have many issues to bring to the media, but stick to one at a time or they will all get buried.
- Tip 2.** Clip and send your good press. A good article can have a long life. Make sure to send press clippings to your members of Congress, coalition partners, and other decision makers.
- Tip 3.** Don't forget your own media outlets. Take advantage of state association newsletters, publications, radio, and cable programs to educate and get others involved in your advocacy campaigns.
- Tip 4.** Just the facts. Stick to what you know and never exaggerate. Remember, you can always get back to reporters after finding the right answer.
- Tip 5.** Don't just say it—show it. A demonstration or real-life testimonial goes a long way to illustrate your point and make it more colorful.
- Tip 6.** Build media relationships. Get to know reporters and take the time to meet with editorial boards.
- Tip 7.** Put media relations in your federal advocacy policy. Media relations should be a year-round function—part of the "official" function of your company in its federal advocacy role.
- Tip 8.** Appoint a press spokesperson for your company. This contact person must be fully informed about your federal advocacy agenda to know what to discuss and what not to discuss.
- Tip 9.** Take advantage of all the media outlets. Congressional offices may read newspapers most often, but radio and television have a powerful impact on public opinion and should never be overlooked.

LETTERS TO THE EDITOR AND OP-ED PIECES

Letters-to-the-editor and opinion editorials written by readers (called op-eds) are useful ways to speak out on an issue, respond to an article or editorial, or express your position in your own words. They often are read by members of Congress and can do double-time as a lobbying tool.

Concentrate on writing letters-to-the-editor or op-eds for your local newspaper since that will have the greatest impact on Capitol Hill. Even a letter or op-ed that does not get published is valuable because it may be considered by a newspaper's editorial board reviewing an issue. Or it may cause the paper to write a story on the topic.

HINTS FOR EFFECTIVE LETTERS-TO-THE-EDITOR AND OP-EDS:

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Be brief and focus on one issue. If the article is too long, the newspaper may edit out some important facts. To get an idea of how long is too long, take a look at your newspaper's opinions page and count the words in an average letter-to-the-editor. The average op-ed is usually longer than a letter-to-the-editor and is between 500 and 750 words.

- Tip 1.** For a letter-to-the-editor, refer to a recent event or an article, which has appeared in the newspaper and includes the article's date and title.
- Tip 2.** When applicable, close your letter or op-ed by asking readers to contact their members of Congress or other policymakers about the issue.
- Tip 3.** Give your address, company name and phone number so that the newspapers can verify authorship.
- Tip 4.** Clip your published letter-to-the-editor or op-ed and mail or fax it to your members of Congress.

TALK RADIO

SPEAKING OUT ON RADIO AND TELEVISION PUBLIC AFFAIRS PROGRAMS

These forms of mass communication are critical ways of delivering a message to a broad audience. While your members of Congress may not see or hear the program directly, positive television and radio exposure lends credibility to your advocacy position and can raise the issue to a new level of public awareness.

Local radio and television public affairs programs usually are interested in issues-oriented programming ideas and can organize huge audiences. These programs give you or a coalition partner the chance to "speak to the people."

TIPS FOR APPROACHING TELEVISION AND RADIO PROGRAMS:

- Tip 1.** Once you have identified a program you feel will be interested in your issue, contact the producer of the show to suggest that you be featured on their program.
- Tip 2.** Prepare a follow-up letter and have a packet of materials ready to provide background information.
- Tip 3.** If it is a show where guests debate, make sure you know the format and who you are debating. If you don't like the format, ask if they can restructure. Otherwise, you need to decide whether or not to do the show.
- Tip 4.** Stay focused on one issue. Prepare "talking points" for yourself that will ensure you deliver your main point(s).
- Tip 5.** Anticipate the tough questions before you go on the air and prepare some solid responses.

Use repetition. On radio talk shows in particular, your message could get lost in a lengthy discussion. Since listeners end up with a few key impressions of the show, repetition will help deliver the main ideas of your advocacy message.

COALITIONS

It's hard to overestimate the importance of coalitions in lobbying. The broader your base of support for a position, the better your chances of success are. Building a coalition of interests that have a similar goal not only increases one's influence but also brings in additional manpower, additional contacts, and additional grassroots networks.

Coalitions can form around a single issue or around generally shared interests. A single-issue coalition may include groups who are usually adversaries, but agree on this issue. In fact, a coalition comprising "natural enemies" such as labor and management can be the most powerful advocate on Capitol Hill since it can reach all segments and interests.

NSTA works with a number of coalitions, of both the single issue and shared interest types. The most obvious ongoing coalition is NSTA, NAFT (National Association for Pupil Transportation), NASDPTS (National Association of State Directors of Pupil Transportation Services), and the major school bus manufacturers, who together represent the entire school transportation industry in America.

We also share many advocacy goals with our affiliated state associations, and stand ready to partner with them on the federal and state levels. Depending on the issue, we might join with school administrators, parent groups, business groups, environmentalists, driver unions, safety advocates, equipment manufacturers, and many others to strengthen our lobbying efforts and achieve our goals.