



ML Strategies Legislative Update

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Highway Bill Conference Committee

Yesterday, the House of Representatives approved a motion to go to conference with the Senate on the highway bill. On April 24, Senate leadership appointed 14 conferees (8 Democrats, 6 Republicans). Following yesterday's House vote on the motion to go to conference, and a failed Democratic attempt to push through a motion to instruct conferees to adopt the Senate-passed language, Speaker Boehner appointed 33 (20 Republicans, 13 Democrats) House members to the conference committee.

Senate Conferees

Senate members of the conference committee include leaders of the various Senate committees with jurisdiction over the highway bill, including the Committees on Environment and Public Works, Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, and Finance, as well as party leaders. Senate conferees include:

- Barbara Boxer (D-CA)
- Max Baucus (D-MT)
- Jay Rockefeller (D-WV)
- Tim Johnson (D-SD)
- Chuck Schumer (D-NY)
- Richard Durbin (D-IL)
- Robert Menendez (D-NJ)
- Bill Nelson (D-FL)
- James Inhofe (R-OK)
- David Vitter (R-LA)
- Kay Bailey Hutchison (R-TX)
- Richard Shelby (R-AL)
- Orrin Hatch (R-UT)
- John Hoeven (R-ND)

House Conferees

House conferees include the leaders of various House committees of jurisdiction, including the Committees on Transportation and Infrastructure, Energy and Commerce, Natural Resources, Science, Space, and Technology, and Ways and Means. House conferees include:

- John Mica (R-FL)
- Don Young (R-AK)
- John Duncan (R-TN)
- Bill Shuster (R-PA)
- Shelley Moore Capito (R-WV)
- Rick Crawford (R-AR)
- Nick Rahall (D-WV)
- Peter DeFazio (D-OR)
- Jerry Costello (D-IL)
- Jerrold Nadler (D-NY)
- Corrine Brown (D-FL)
- Elijah Cummings (D-MD)

- Jaime Herrera Beutler (R-WA)
- Larry Bucshon (R-IN)
- Richard Hanna (R-NY)
- Steve Southerland (R-FL)
- James Lankford (R-OK)
- Reid Ribble (R-WI)
- Fred Upton (R-MI)
- Ed Whitfield (R-KY)
- Doc Hastings (R-WA)
- Rob Bishop (R-UT)
- Ralph Hall (R-TX)
- Chip Cravaack (R-MN)
- Dave Camp (R-MI)
- Patrick Tiberi (R-OH)
- Leonard Boswell (D-IA)
- Tim Bishop (D-NY)
- Henry Waxman (D-CA)
- Ed Markey (D-MA)
- Eddie Bernice Johnson (D-TX)
- Earl Blumenauer (D-OR)
- Eleanor Holmes Norton (D-DC)

Potential Sticking Points

The conference committee must now reach consensus on legislative language for a long-term transportation bill. In March, the Senate passed a bipartisan, two-year, \$109 billion highway bill that Democrats argue should be the final vehicle for a long-term reauthorization. This language must now be merged with the 90-day extension bill passed by the House last week.

The recently passed House bill includes language approving the Canada-to-U.S. Keystone XL pipeline and measures that would pre-empt U.S. EPA regulation of coal ash, set up a Gulf Coast oil spill recovery fund, and force greater spending on port and harbor maintenance. The Keystone XL pipeline and coal ash provisions have the greatest potential to impede the conference committee process.

House conferee Rep. Bill Shuster has said that Keystone XL must stay in the final conference committee report to ensure final passage in the House. Meanwhile, Senate Majority Leader Harry Reid (D-DV) has indicated inclusion of the Keystone XL provision is a no-go and that many Senate Democrats, including Sen. Max Baucus, have eased off, prioritizing passage of a comprehensive transportation bill over finding a vehicle for the Keystone XL provision. Sen. Orrin Hatch has suggested that Keystone may be more likely to move on some other legislative vehicle, most likely in the lame duck session. The latest House extension bill represents the fourth time the House has passed the Keystone XL provision this year. Meanwhile, the Senate has only recorded one vote on a Keystone XL amendment, which failed by four votes during the debate on the two-year highway bill in March.

House conferees are also likely to encourage debate on the House-passed coal ash provision, which would attach legislation introduced by Rep. David McKinley (R-WV) that would prohibit EPA from labeling coal ash as a hazardous material to the transportation bill. Moderates of both parties, such as House conferees Rep. Fred Upton and Rep. Nick Rahall tend to view the language as a compromise, while more liberal Democrats, including House conferees Rep. Ed Markey and Rep. Henry Waxman remain opposed. Conferee Sen. Jay Rockefeller, a supporter of the coal ash amendment from a policy standpoint, has predicted that conferees will ultimately remove the coal ash language from the final conference committee report.

Timeline

While the first conference committee meeting has not been determined, House Transportation and Infrastructure Committee Chairman John Mica indicated he has met with House leadership on timeline, but no plan has been set. While other House conferees have expressed a desire to sit down before next week's recess, Majority Leader Reid has indicated a meeting could slip to May, with Senate Environment and Public Works Committee Ranking Member James Inhofe suggesting the first formal meeting could be May 8.

The conference committee will be under pressure to produce a conference report that can pass both chambers and reach the President's desk before the current transportation authorization expires on June 30.

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