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10 Procedural Hurdles to Enacting a Federal Transportation Bill

 January 23, 2012 By [Larry Ehl](#) [Leave a Comment](#)

Update: there are several rumors that the House Transportation Committee will release legislative text as soon as this Friday, and will act on its bill on Feb 2. The bill will be known as the American Energy and Infrastructure Jobs Act.

SAFETEA-LU, the federal surface transportation bill, and most federal transportation taxes and fees expire on March 31. Enacting a bill by then requires quickly overcoming big political challenges (e.g., how to fund the bill) and procedural hurdles (e.g., committees passing sections of the bill).

Today we look at the procedural challenges that must be overcome in order to enact a bill by March 31. Last week we reviewed the three main [political challenges](#).

Committees must finalize legislative sections.

1. The House Ways & Means Committee must pass legislation that funds the bill.
2. The House Natural Resources Committee must pass the Leadership's legislative proposal to fund the transportation bill with energy exploration revenues.
3. The House Transportation Committee must pass a bill.
4. House staff must stitch together the various sections into one bill for the entire House to debate and vote on.

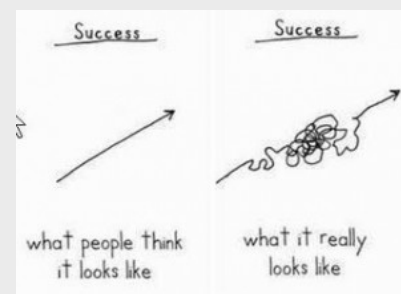
Note: the above actions could occur roughly within the same week to ten days, and will likely be completed by early to mid February.

5. The Senate Banking Committee must pass legislation dealing with transit programs. About one week is needed for this.
6. The Senate Finance Committee must pass legislation funding the bill.
7. Senate staff must stitch together the various sections into one bill for the entire Senate to debate and vote on.

Note: the above actions could occur roughly within the same week to ten days, and could be completed by mid to late February.

The House and Senate must debate and pass their bills.

8. The Senate will almost certainly need sixty votes to pass a bill. If the bill makes it this far, sixty votes could be cobbled together – but a number of Senators have already indicated they intend to . This could take a week or two. However if it becomes clear sixty votes won't be achieved, leadership could jettison the bill quickly.
9. The full House must debate and pass the bill. This can probably be accomplished in just



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a few days.

We'll almost certainly see the House bill pass, probably mid- to late-February. I'm a glass-half-full kind of guy, so I'll predict (halfheartedly) that a Senate bill reaches the floor by mid-March. I'm reluctant to predict it passes.



The House and Senate must agree on a final bill.

10. A conference committee comprised of Senate and House members will be appointed by leadership to negotiate the differences between the two bills. How long will this take? Hard to guess.

This is likely where we get tripped up. Agreement on a final bill by March 31 is extremely unlikely.

Is there enough time to get all of this done before March 31? Technically, yes. Realistically, not unless leadership makes it the highest priority – which they *have* committed to. But the differences between the two bills will be too great to enact a bill by March 31. They could be so great that leaders decide to simply extend the current legislation, SAFETEA-LU, into the spring of 2013.

Incidentally, overcoming those challenges and enacting a bill could significantly increase the positive image of Congress. A [recent survey](#) indicated “a record 84 percent of Americans disapprove of the job Congress is doing, with almost two-thirds saying they “disapprove strongly.”

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