

112TH CONGRESS HOUSE RULES CHANGE SAFETEA-LU

General Information

At the beginning of each Congress, the U.S. House of Representatives must adopt its rules, which is one of the first orders of business. These rules act as guidelines that ensure how legislation will be considered in committee and the House floor over the course of the next two years. The following information gives an overview of the rules package adopted on Tuesday, January 5, 2011 by the U.S. House of Representatives. This rules packages makes changes to the way the federal surface transportation program is funded.

Original House Rule Impacting Transportation Funding

Sponsored by former Rep. Bud Shuster (R-PA), one particular House rule made it more difficult for Congress to alter the levels at which the federal surface transportation programs are funded. Technically, this rule (Clause 3 of House Rule XXI) makes it a violation of the House rules to bring up an appropriations bill with total new obligation authority from the Highway Trust Fund at levels below those prescribed at in Section 8003 of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59), as adjusted by the Revenue Aligned Budget Authority (RABA) process*. Practically, this provision ties the authorization and appropriations process closely together by not allowing Members of Congress to object to appropriations legislation that would not fund the transportation program at the levels authorized under the multi-year federal surface transportation authorization. The rule also ensures that all of the revenues that taxpayers pay into the Highway Trust Fund are used for highway and transit improvements on an annual basis.

New House Rule Impacting Transportation Funding

The newly adopted House Rules (through H. Res. 5) reverses the Highway Trust Fund (HTF) protections within Clause 3, and severs the user-financed basis of the HTF, potentially making federal highway and transit investments subject to the annual appropriations process. This could mean that transportation commitments funded out of the HTF could be below the authorized levels.

House Transportation and Infrastructure Committee Chairman Mica (R-FL) and Ranking Member Rahall (D-WV), as well as transportation interest groups (including the National League of Cities and National Association of Counties) object to this change. These groups assert that maintaining a stable, long-term funding is necessary because transportation projects take multiple years to build; there could be a potential unemployment increase in the construction industry (which is already very high); and, that before this rule was adopted in 1998, appropriators often funded surface transportation below HTF tax receipt levels and allowed HTF balances to build up and mask the size of the unified federal deficit.

While Chairman Mica (R-FL) and Congressman LaTourette (R-OH) worked together to offer compromise language, the effort was not successful.

** Revenue Aligned Budget Authority (RABA) - Highway funding levels are adjusted annually according to estimates of Highway Trust Fund receipts. This annual adjustment of funding levels is known as Revenue Aligned Budget Authority, or RABA, and is intended to ensure that highway program funding is closely in line with actual and anticipated revenue to the Highway Account of the Highway Trust Fund.*



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