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Conferees are convinced this will be a 'real conference.' | AP Photo

By KATHRYN A. WOLFE and BURGESS EVERETT | 5/7/12 11:14 PM EDT

The transportation conference committee will meet for the first time on Tuesday. Here are five things to watch as negotiations get started:

Leadership involvement

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Conferees are convinced this will be a “real conference” in which most issues won’t go to leadership, as was the case with parts of the Federal Aviation Administration reauthorization bill. The Senate has named two of its top members of leadership to the conference team: Majority Whip Dick Durbin of Illinois and third-ranking Democrat Chuck Schumer of New York. House Speaker John Boehner (R-Ohio) did not name any members of leadership to the committee, but his team is certain to be monitoring progress closely. Rep. Jerry Nadler (D-N.Y.), a conferee, told POLITICO, “I have to suspect, at least on the Republican side, leadership will get involved. Otherwise, they won’t have the votes.” Nadler

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said he expects unity from the Democrats, likely requiring less intervention from Minority Leader Nancy Pelosi (D-Calif.) or her lieutenants.

Keystone

It's the big gorilla in the room: What happens with the Keystone pipeline language? It's extremely likely that this highly partisan issue will be negotiated between the House and Senate leadership. Transportation lobbyists desperately want a bill, whether it has Keystone in it or not, and they are furiously messaging that to their constituencies around Capitol Hill. Pay close attention to what transportation and business interest groups are saying about Keystone — and what they aren't.

Pay-fors

Lost in the furor over Keystone is the fact that conferees may have a steep hill to climb when it comes to working out the bill's pay-fors. One of the big reasons the House couldn't pass the bill it wanted is that it spent too much money garnering support from GOP freshmen. Though the Senate bill's drastically smaller scope means less of a funding gap, it requires about \$12 billion to be made up with various spending offsets, most of which are unrelated to transportation.

Boehner has tasked Ways and Means Chairman Dave Camp (R-Mich.) with negotiating financing details on the conference directly with Sen. Max Baucus (D-Mont.), who wrote the Senate's revenue title. The two are said to have a warm relationship and served together on the deficit supercommittee in 2011.

What's within the scope of the conference?

The House is in a tough spot. It's gone to conference on a three-month extension with just a handful of policy provisions while the Senate has a full transportation bill that carries the endorsement of the upper chamber. Beyond what the House bill expressly includes, House conferees' negotiating position will be the status quo, current law.

Technically, congressional rules require conference reports to contain only provisions that were originally present in the bills passed by either chamber. However, the reality is that unrelated provisions frequently appear in conference reports — a process called "airdropping" — though not on this scale. Additionally, exactly what is within the scope of the conference is open to interpretation in some areas. Rep. John Mica (R-Fla.) says he'll push to include as much policy from the original five-year House bill as he can: "You can do anything in conference," he said in an interview with POLITICO. Mica also said language from the House's energy production bill — originally slated to provide about \$4.3 billion for the House's five-year transportation bill over a 10-year period — will get shipped over for consideration.

Bipartisanship

A major storyline of the House's failed long-term bill was Democrats' contention that they were left in the dark until it was too late only to discover a bill filled with provisions they couldn't vote for, such as losing the link between mass transit and the Highway Trust Fund. Mica maintains he worked with the minority party — and, indeed, he heard and accepted dozens of their amendments in markup. Transportation and Infrastructure ranking member Nick Rahall (D-W.Va.) disputes that — during negotiations, Rahall often says he is shut out from the information pipeline.

Nadler said after being unable to marshal 218 GOP votes for their long-term bill, House Republican leaders will simply have to come around to Democrats, who want to make sure the starting point for length and spending levels is the Senate's two-year bill. "There are 50 to 60 Republicans who won't vote for any bill other than a 90-day extension," Nadler said. "You can't pass anything except on a bipartisan basis."

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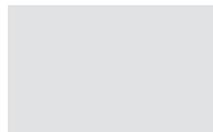
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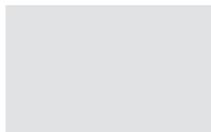
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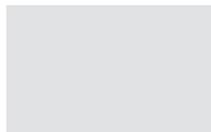
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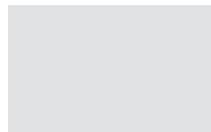
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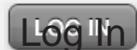
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