



## International Right of Way Association Weekly Update

Monday, April 10, 2017

### Trump Administration

- President Trump, addressing a forum of business leaders on Tuesday, affirmed his commitment to infrastructure and noted that the overhaul could top the \$1 trillion to which he committed during the campaign. He was joined by senior White House and Administration officials, including Secretary Chao. The infrastructure remarks centered on the federal regulatory and procedural hurdles that slow infrastructure delivery. (<http://www.reuters.com/article/us-usa-trump-business-idUSKBN17627R>)
- The Supreme Court will hear a case regarding the Obama Administration's Clean Water Act regulation, despite the fact that President Trump asked the court to pause the case while his Administration reconsiders the rule. (<http://thehill.com/policy/energy-environment/326960-supreme-court-wont-pause-obama-water-rule-case>)

### Congress

- The Senate invoked the procedural mechanism commonly known as the "nuclear" option on Friday to confirm Judge Neil Gorsuch as the next Supreme Court Justice with a simple majority, instead of the historical 60-vote threshold. (<http://www.cnn.com/2017/04/06/politics/senate-nuclear-option-neil-gorsuch/>)
- The House and the Senate are in recess this week and next week, returning the week of the 24<sup>th</sup>. The continuing resolution funding the government expires on the 28<sup>th</sup>. (<http://www.politico.com/story/2017/04/government-shutdown-mitch-mcconnell-chuck-schumer-237001>)

### Analysis

- The President added fodder to the discussion over the size and source of funding for the ultimate infrastructure package this week, indicating that low interest rates allow for increased government borrowing and potentially reduce the need for public-private partnerships. (<https://www.nytimes.com/2017/04/05/us/politics/donald-trump-interview-new-york-times-transcript.html>) The President did not indicate, however, whether he would count additional government debt towards his \$1 trillion (or greater) infrastructure goal.

- The Trump Administration also added some detail to the infrastructure discussion this week when the President stated that the size of the initiative could exceed \$1 trillion and when Secretary Chao indicated that the proposal could be unveiled as early as next month. (<http://thehill.com/policy/transportation/327193-trumps-infrastructure-bill-could-be-over-1t-released-in-may>) While the debate over the size and source of funding for the infrastructure proposal is ongoing, the timing details are new.
- Nossaman experts have discussed this issue with senior White House and Administration officials, and while the skeleton crew that is responsible for the Administration's infrastructure plan have been working around the clock, unveiling a comprehensive infrastructure proposal in May that addresses regulatory reform and funding for all infrastructure classes seems unlikely.
- Before Congress can turn its attention to infrastructure, the immediate task at hand will be to pass an appropriations package before government funding expires on midnight of April 28<sup>th</sup>. Congressional appropriators were close to a deal before the President made additional funding requests for the remainder of fiscal year 2017, in addition to his budget proposal for fiscal year 2018. (<http://thehill.com/policy/defense/324270-white-house-requests-30b-more-for-defense-spending-for-fiscal-2017>)
- With both Chambers in recess this week and next, staff will continue working furiously to reach a bipartisan deal that can pass both Chambers. Members of Congress will then have the week of the 24<sup>th</sup> to finalize the negotiations and pass the package and get it to the President for his signature before funding expires on the 29<sup>th</sup>.
- One question that remains to be answered is how Majority Leader McConnell's invocation of the "nuclear" option to confirm Judge Gorsuch will impact negotiations in the Senate. It will be telling to watch how Minority Leader Schumer approaches the funding battle this month, knowing that the appropriations bill to keep the government running will require Democrat support to reach 60 votes in the Senate, and how far Majority Leader McConnell is willing to compromise to attain those votes. This negotiation then has to be considered in light of the politics in the House, where Speaker Ryan should be able to hold his caucus together and pass the funding package along party lines, if need be.