



International Right of Way Association Weekly Update

Monday, March 18, 2019

Trump Administration

- Last week the President transmitted an outline of his fiscal year 2020 budget proposal to Congress. Overall, the budget request includes \$84.1 billion in gross budgetary resources for the U.S. Department of Transportation (USDOT), a \$3.5 billion decrease from 2019.
 - The summary can be read here: <https://www.govinfo.gov/content/pkg/BUDGET-2020-BUD/pdf/BUDGET-2020-BUD.pdf>
 - The highlights can be read here: <https://www.transportation.gov/sites/dot.gov/files/docs/mission/budget/333126/budgethighlights030719final518pm25082.pdf>
 - The infrastructure fact sheet can be read here: https://www.whitehouse.gov/wp-content/uploads/2019/03/FY20-Fact-Sheet_Infrastructure_FINAL.pdf
- USDOT is investigating the extent to which Boeing controlled the process for obtaining Federal Aviation Administration (FAA) safety approvals of its 737 Max Jetliner, the airplane that was operated by Lion Air in a crash last October, and by Ethiopian Airlines in the crash earlier this month.
<https://www.reuters.com/article/us-ethiopia-airplane-faa-probe-idUSKCN1QZ01H>
- Over the weekend a Twitterstorm erupted when a newly unsealed court filing supported the claim that deceased Senator John McCain had provided the FBI with a portion of the dossier prepared by British intelligence officer Christopher Steele, alleging Russia was in possession of information damaging to President Trump.
<http://www.chicagotribune.com/news/nationworld/politics/ct-trump-john-mccain-health-care-vote-20190316-story.html>.
- Members of Congress continue to assert a connection between President Trump's rhetoric and the mosque attacks that killed 50 people in Christchurch, New Zealand.
<https://apnews.com/93227da77e684db69d6085d10ce46325>.

Congress

- Both Chambers are in recess this week, but there is no shortage of controversy.
- Last Thursday, in a bipartisan vote, the Senate joined the House in disapproving the President's use of an emergency declaration to divert existing federal funds for the border wall.
<https://www.bloomberg.com/news/articles/2019-03-14/senate-rejects-trump-border-emergency-setting-up-veto-showdown>.

Analysis

- Time to legislate is running out. There are just 3 calendar quarters until we enter a presidential election year, and approximately 6 months until the fiscal year ends. The path narrows for passage of any substantial legislation, let alone an infrastructure bill.
- The current surface transportation law, The Fixing America's Surface Transportation (FAST) Act, will expire in September of next year, right before the presidential election.
- Under better circumstances, an infrastructure bill would be a heavy lift. While the House Ways & Means and Transportation and Infrastructure Committees have begun in earnest, substantial questions remain between them, and between the Senate and House as to how to fund an infrastructure bill.
- Congress is also weighing how to address other infrastructure needs in addition to surface transportation, and whether to bundle water, broadband, and disaster relief into one large infrastructure package or to advance legislation in a piecemeal fashion. The House and Senate have begun drafting legislation and holding hearings on investment in other infrastructure classes, but there is no consensus over a legislative approach on a comprehensive infrastructure package.
- Congressional investigations will likely succeed, or run concurrent to the USDOT's investigation into the FAA's processes. This will take up precious time needed for any infrastructure legislation.
- The bipartisan Senate rebuke of President Trump's proposed reallocation of funds for the border wall has opened a rift between Senate Republicans and the Administration, and ratcheted up the prospect of gridlock.
- As time rolls on, the congressional budget situation, or a lack thereof, raises the specter of another shutdown. House Majority Leader Steny Hoyer (D-MD-5) has publicly stated the plan is to vote in June on the must-pass spending bills. However, House Budget Committee Chairman John Yarmuth (D-KY-3) has indicated there may be no budget resolution this year. Sources involved in the House budget process have confidentially confirmed to Nossaman professionals that this result is indeed likely.
- Absence of a common budget blueprint will make it extremely difficult to approve the required appropriations bills. Further complicating the budget picture are indications that the defense spending bill, which often provides an anchor for many other appropriations bills, may get to the floor before the annual defense authorization. Sending appropriations measures to the floor of the Senate and House without a plan for any part of them is likely hamper agreement on spending between the chambers, if not within them.