



## International Right of Way Association Weekly Update

Monday, October 7, 2019

### The White House

- The President's attention remains focused on the House's impeachment inquiry.

### Congress

- Both Chambers are in recess this week.
- Senate Majority Leader McConnell (R-KY) commented this week that the Senate is continuing to work on a surface transportation bill, but stated that it will not be as large as the President has previously mentioned because doing so would require a gas-tax increase, which McConnell noted is a regressive tax.  
<https://www.politico.com/newsletters/morning-transportation/2019/10/01/mcconnell-will-do-a-transportation-bill-483839>
- The House continues to advance its impeachment inquiry.

### Analysis

- Any discussion by Members of Congress on any substantive issues other than impeachment are peripheral to that issue. McConnell's comments about the Senate's transportation bill came as an aside during an interview focusing on impeachment. His comments are telling, however. The Senate Environment and Public Works ("EPW") Committee's bill included spending levels roughly 25% higher than the current baseline and would require roughly \$100 billion in additional offsets above the existing gas tax to pay for the legislation. McConnell's comments indicate that any Senate action will likely be on something closer to baseline spending levels. Once the funding levels drop and each state is only likely to receive about what they have been receiving, historically, from the Federal-aid Highway Program, the policy in the legislation becomes much more of the focal point. If the funding doesn't grow dramatically, then both sides will feel like they have to extract concessions so they can claim a policy "win." This, of course, will make it much more difficult to advance a bill through both Chambers and then negotiate a compromise package that can pass in each Chamber.
- In situations like that, the prospects of the bill really lie with the Senate and House leaders sponsoring the bills – if they can keep out any policy issues that would poison the legislation for others while simultaneously including enough policy that a critical mass in both Chambers can feel some ownership and support the legislation, then it

may succeed. This is extraordinarily difficult to do in normal circumstances, let alone while an impeachment inquiry is ongoing.