



## International Right of Way Association Weekly Update

Monday, July 3, 2017

### Trump Administration

- The U.S. Department of Transportation (“USDOT”) released a new Notice of Funding Opportunity for the Nationally Significant Freight and Highway Projects Program (which the last Administration termed the “FASTLANE” program). USDOT is now referring to this program as the “INFRA” program and released four key objectives for projects awarded funding under the program:
  - “(1) Supporting economic vitality at the national and regional level;
  - “(2) Leveraging Federal funding to attract other, non-Federal sources of infrastructure investment, as well as accounting for the life-cycle costs of the project;
  - “(3) Using innovative approaches to improve safety and expedite project delivery; and
  - “(4) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.”

The Administration will accept project applications in the next 120 days for roughly \$1.5 billion in available funding.

<https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/infra/259257/fy17-18-infra-nofo.pdf>

- It was Energy Week in the Trump Administration. On Wednesday, the President hosted tribal, state, and local energy leaders for a roundtable in the White House. Then on Thursday the President visited the Department of Energy for an event themed the “Unleashing American Energy Event.” Among other items, the President announced that the Department of the Interior opened up the public comment period for a new 5-year National Offshore Oil and Gas Leasing Program on the Outer Continental Shelf.  
<https://www.whitehouse.gov/the-press-office/2017/06/29/remarks-president-trump-unleashing-american-energy-event>
- Energy Secretary Rick Perry joined the White House press briefing on Tuesday to tout the Administration’s accomplishments in energy policy.  
<http://www.politico.com/story/2017/06/27/white-house-energy-week-health-care-240014>
- President Trump also held several events with foreign leaders, as Indian Prime Minister Modi and South Korean President Moon Jae-in both visited the White House.  
<http://www.cnn.com/2017/06/26/politics/trump-narendra-modi-india/index.html>  
<https://www.washingtonpost.com/news/post-politics/wp/2017/06/30/with-south-korean-president-trump-denounces-reckless-and-brutal-regime-in-north-korea/>
- Vice President Pence spent much of his week talking and meeting with Senate Republicans about their health care bill. He also took the message of healthcare reform with him to Cleveland, Ohio, where he toured Tendon Manufacturing and gave a speech about the impact of healthcare costs on small manufacturers.

<http://fox8.com/2017/06/28/vice-president-pence-brings-messages-to-ne-ohio-manufacturers-during-visit/>

## Congress

- Congress is pulled in several directions right now, as the House focuses on passing a budget resolution and advancing the FY18 appropriations process, and the Senate continues to be consumed by healthcare discussions.
- House Budget Chairwoman Diane Black (R-TN-6) reached agreement with other House committee chairs on a budget resolution on Friday; however, more than 20 moderate Republicans have signed a letter to Speaker Ryan objecting to curbing entitlement spending and asking for a bipartisan budget agreement that sets higher spending levels. Ryan can only lose 23 Republican votes if all House Democrats vote against the bill, so if these moderates persist in their demands, the budget discussion is far from over. [https://www.realclearpolitics.com/articles/2017/06/30/ryan\\_confident\\_house\\_will\\_pass\\_budget\\_defends\\_agenda\\_134344.html](https://www.realclearpolitics.com/articles/2017/06/30/ryan_confident_house_will_pass_budget_defends_agenda_134344.html)
- After unveiling their healthcare bill last Thursday, Senate Republican leaders almost immediately started getting backlash from members of their own caucus. Majority Leader McConnell (R-KY) was determined to get a bill passed before the July 4 recess, and many in DC expected this master of Senate politics and procedure to find a path forward. However, he announced a delay in the vote on Tuesday to have more time to find a path forward.
- The House Transportation Committee marked up its FAA reauthorization legislation on Tuesday and the bill passed 32-25 along party lines, except one Republican (Todd Rokita of Indiana, who is running for Senate) voted no because he does not support privatization of the Air Traffic Control system. Chairman Shuster is still trying to get appropriators and members of the House Ways and Means Committee to support the bill; privatizing the ATC system would cause these two committees to lose jurisdictional turf, which chairmen jealously guard.
- The Senate Commerce Committee passed their FAA reauthorization bill on Thursday with provisions to keep the FAA intact. Chairman John Thune (R-SD) said he is open to a change, but recognized the opposition to privatization on both sides of the aisle in the Senate. [https://www.washingtonpost.com/local/trafficandcommuting/senate-ignores-trump-moves-bill-that-keeps-faa-intact/2017/06/29/76e0488c-5ccf-11e7-a9f6-7c3296387341\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/senate-ignores-trump-moves-bill-that-keeps-faa-intact/2017/06/29/76e0488c-5ccf-11e7-a9f6-7c3296387341_story.html)

## Analysis

- The Administration has been interested in the newly-coined INFRA program since the election, and for good reason. This program vests discretion in USDOT to select projects of regional or national significance for nearly a billion dollars of supplemental grant funding each year. The Administration is keenly interested in this program for another, more primary reason, however, and that is because the INFRA program serves as a

testbed for many of the infrastructure policy priorities the Administration hopes to advance. By revising the program's guidelines to focus explicitly on leveraging non-federal funds, promoting innovative ways to improve projects, and tying federal funds to performance benchmarks, the Administration is effectively implementing its broader policy ideas on a smaller scale.

- The House and Senate are officially out for July 4<sup>th</sup> recess, so members will head back to their districts to hear from constituents. Republicans remain frustrated that they are not heading home with more significant legislative achievements to tout, and they remain concerned that there are just three weeks in July to get things done before the five week August recess. Members on both sides of the Capitol have suggested that their Leadership either cancel or shorten the recess in order to pass more legislation.
- President Trump and his administration will be the 'only game in town' this week since Congress is out, so news coverage of every tweet and action will be focused even more on them.