



International Right of Way Association Weekly Update

Monday, July 24, 2017

Trump Administration

- President Trump issued an Executive Order this week (<https://www.whitehouse.gov/the-press-office/2017/07/19/presidential-executive-order-establishing-presidential-advisory-council>) establishing an advisory council on infrastructure. This is the outgrowth of the LeFrak council that was announced back in January. (<https://www.forbes.com/sites/bisnow/2017/01/17/donald-trump-taps-richard-lefrak-steven-roth-to-lead-new-infrastructure-council/#6617a03e7a12>).
- The Administration continues to work on infrastructure proposals behind the scenes, but the lack of public process has led to articles like this from the New York Times, criticizing the length of time it is taking to unveil one of the President's signature campaign promises. <https://www.nytimes.com/2017/07/23/us/trump-infrastructure-program.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&referer=https://t.co/M6MZpcsBGx>
- The Environmental Protection Agency announced that twelve water projects from around the country were invited to file applications for WIFIA funding. <http://www.enr.com/articles/42375-epa-picks-12-projects-to-apply-for-first-ever-wifia-loans>

Congress

- The House Appropriations Committee finished approval of all twelve government funding bills the week of July 17, and the House Majority Leader announced that the House will consider a "minibus" of appropriations bills this week before leaving for August recess. Branded as a "security" package, the bill will include funding for the Departments of Defense (including the Army Corps of Engineers), Energy, Veterans Affairs, some of the Department of the Interior, as well as the Legislative Branch. Of note, the bill includes policy language exempting the administration's efforts to repeal the Water of the United States (WOTUS) rule from the Administrative Procedure Act.
- Senate Majority Leader Mitch McConnell plans to hold a vote on health care legislation this week, but it is still unclear exactly what the bill will be. The news that Senator John McCain (R-AZ) has brain cancer has rattled the Senate, but it was not certain that he was going to vote for the latest health care draft before his surgery.
- The Senate also will proceed with floor votes on some nominations, including David Bernhardt to be Deputy Secretary of the Department of the Interior. His nomination has been criticized by Democrats because of his previous work as an energy industry lobbyist.

- The House of Representatives passed two energy infrastructure bills. H.R. 2883, Promoting Cross-Border Energy Infrastructure Act, replaces the Presidential Permitting approval needed before constructing an oil and gas pipeline or electric transmission line that crosses a border with Canada or Mexico with an agency-focused review process. H.R. 2910, Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, seeks to address the critical need to expand and modernize the nation's natural gas pipeline infrastructure by promoting more timely and efficient reviews. It also strengthens FERC's lead agency role for the siting process for interstate natural gas pipelines.
- The Senate Environment and Public Works Subcommittee on Fisheries, Water and Wildlife held a hearing on "Innovative Financing and Funding: Addressing America's Crumbling Water Infrastructure". Chairman John Boozman (R-AR) heard testimony from three witnesses, including an Arkansas man who discussed his inability to get access to safe drinking water. The full committee advanced several administration nominations, including Susan Bodine, a former Committee staffer, to serve as assistant administrator of the Office of Enforcement and Compliance Assurance of the EPA.
- The House Transportation and Infrastructure Committee took a look back at previously enacted legislation this past week. One hearing reviewed "FAST Act Implementation: Improving the Safety of the Nation's Roads" and the other reviewed implementation of the most recent Water Resources Development Act amendments. This week the committee will review Coast Guard capabilities.
- The House Energy and Commerce Subcommittee on the Environment marked up a discussion draft of "H.R. __, the Drinking Water System Improvement Act" on July 13. This legislation amends the Safe Drinking Water Act and is expected to be reviewed and likely approved by the full committee this week.
<https://energycommerce.house.gov/hearings-and-votes/markups/subcommittee-vote-hr-drinking-water-system-improvement-act-2017>
- The Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies will markup the FY18 funding bill at 11 am on Tuesday, July 25. <https://www.appropriations.senate.gov/news/majority/schedule-for-the-week-of-july-24-2017>
- The House Natural Resources Committee will hold a lengthy markup on Tuesday, July 25, to consider a number of land and renewable energy bills.
<https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=402595>

Analysis

- The House of Representatives prepares to leave for the long August recess on Friday, July 28. The House successfully passed a health care bill and is likely to pass some appropriations bills, but Members are frustrated that the Senate has moved so slowly and unsuccessfully on legislation. At this point in the year, Members had hoped to have a healthcare reform package already signed by the President, a tax reform proposal actively moving through the House, and an infrastructure package announced. None of

these things have happened. Members will be in their districts for the entire month of August, and the feedback they receive from constituents will shape the fall agenda.

- It remains very uncertain whether the Senate will be able to advance a significant health care reform bill. Multiple Republican Senators continue to publicly express reservations about changes to the Affordable Care Act, with some criticisms from the moderates and some from the conservatives. Those are difficult bridges to gap. Majority Leader McConnell wants to take a procedural vote this week. Failure is a significant blow to the Republicans' agenda – both Congress and the White House. However, the President is distancing himself from the responsibility of helping to get the bill across the finish line.