



International Right of Way Association Weekly Update

Monday, August 21, 2017

Trump Administration

- The President issued an Executive Order (“EO”) on Tuesday to accelerate and streamline the federal environmental review process. The EO sets a two-year goal for federal agencies to complete environmental reviews for major infrastructure projects, requires that all federal permitting decisions be made within 90 days of the issuance of a Record of Decision, and institutes a “one federal decision” policy whereby one lead agency shall have ultimate responsibility for navigating a project through the environmental review and permitting process. The EO tasks the Council on Environmental Quality with implementation of an action plan to improve environmental review. <https://www.whitehouse.gov/the-press-office/2017/08/15/presidential-executive-order-establishing-discipline-and-accountability>
- At a press conference on Tuesday where the President announced the EO, he shared a flow-chart illustrating what the revised federal environmental review and permitting process would look like, compared to current practice. <https://www.whitehouse.gov/blog/2017/08/16/reforming-federal-bureaucracy>
- The President decided not to proceed with plans to create an infrastructure advisory council in the wake of the dissolution of the Manufacturing Council and the Strategic and Policy Forum. <https://www.usatoday.com/story/news/politics/2017/08/17/president-trump-disbands-infrastructure-advisory-council/578097001/>

Analysis

- After delivering prepared remarks on Tuesday about the EO and his infrastructure plans, the President surprised his advisors and took questions from the press, which focused on the incidents Charlottesville, Virginia and the President’s handling of them. As a result of the President’s remarks, many business executives resigned from the Manufacturing Council and the Strategic Policy Forum, leading to their ultimate dissolution and the abandonment of plans to create an infrastructure advisory council.
- The backlash against the President’s remarks extended to Secretary Chao as well, who was standing next to the President at the press conference. <http://thehill.com/policy/transportation/347150-chao-comes-under-fire-after-trumps-charlottesville-response>
- Another ramification of the handling of the Charlottesville incidents by the White House was that Steve Bannon resigned as the President’s chief strategist and returned to

Breitbart as its executive chairman. From this perch, Bannon is expected to focus his influence on furthering the narrative that Speaker Ryan and Majority Leader McConnell have frustrated and impeded the President's policy agenda in Congress.

<http://www.politico.com/story/2017/08/20/david-bossie-trump-congress-241834>;
<https://www.nytimes.com/2017/08/18/business/media/bannon-said-to-be-planning-his-return-to-breitbart-news.html>

- Furthermore, this situation puts Secretary Chao in the awkward position of answering to the President while also defending her husband, Majority Leader McConnell. When asked about the issue this week, Chao said that she “stands by my man – both of them.” <http://thehill.com/policy/transportation/346685-elaine-chao-on-trump-mcconnell-feud-i-stand-by-my-man-both-of-them>
- The events of the past week raise serious questions about the ability of the White House to get out of its own way. What was planned to be an unveiling of the most significant infrastructure reform so far this year was entirely overshadowed by unrelated, unscripted remarks the President made during an unplanned question and answer period with the press.
- Some may view the President's response to the Charlottesville incidents, in general, as a politically calculated move, especially given the fact that he has yet to score a legislative victory and it appears that he may be getting more traction by posturing himself as the “outsider” as against the “insiders” in Congress (i.e., Ryan and McConnell). However, I think it is worth looking at the strength of the President's position now compared to his position before the Charlottesville incidents. Perhaps he has calcified support amongst a small minority of his base who was disinclined to waver in their support of him regardless of what he does. But aside from that, he has expanded a serious and conspicuous rift with many in the Republican Party, fostered new questions about the stability of his staff, and cast a shadow over everything else he hopes to address.
- In a recent conversation with David Axelrod, Mayor Rahm Emanuel noted that it is incredibly difficult to accomplish anything in the White House when there is an ongoing special investigation. Emanuel made this remark recalling his service as political director to President Clinton. However, with multiple ongoing investigations into the Trump team's connections to Russian interference in U.S. electoral systems and fallout from the President's handling of the Charlottesville incidents, it remains to be seen how much influence the White House will wield during key debates over the federal budget, government funding, and the debt limit, let alone tax reform and infrastructure. <http://podcast.cnn.com/the-axe-files-david-axelrod/episode/all/0luaPrncs6dbEc/57y11f.html>