



International Right of Way Association Weekly Update

Monday, September 18, 2017

Trump Administration

- The President has agreed to work with Senate Minority Leader Schumer and House Minority Leader Pelosi on a potential pathway to citizenship for Deferred Action for Childhood Arrivals (“DACA”) participants. <http://www.cnn.com/2017/09/13/politics/chuck-schumer-nancy-pelosi-donald-trump/index.html>
- The President nominated former Iowa Transportation Director Paul Trombino III to be the Federal Highway Administrator. <https://www.whitehouse.gov/the-press-office/2017/09/11/ten-nominations-sent-senate-today>
- A Nossaman expert spoke with senior infrastructure staff at the White House this past week, and a draft of the Administration’s infrastructure proposal is complete and under review at the Office of Management and Budget. This comprehensive document is still being referred to as a “principles document” that does not include any legislative text, but it is approximately 80 pages long and clearly articulates the Administration’s proposals and priorities in a way that has not been publicly articulated, to date.

Congress

- House Democrats formed an infrastructure caucus this week, known as the Rebuilding America Task Force, to “put Americans back to work by modernizing our nation’s infrastructure, expanding job opportunities in key industries, launching a school construction boom, updating our power grid and water infrastructure, and taking a visionary approach to the projects needed to put our country at the forefront of innovation.” <http://www.dems.gov/coalitions/jobsforamerica/>

Analysis

- After the government funding/debt limit/hurricane relief package, the DACA deal with congressional Democratic leaders marks the second time this month that the President has gone around Majority Leader McConnell and Speaker Ryan to advance his agenda. This willingness to work outside the Republican Party should not be viewed as a move to the center on principled grounds, but rather evidences the President’s frustration with a lack of legislative wins so far this year.

- The risks of working on immigration—both for the President and for Schumer/Pelosi—are astronomically higher than cutting a government funding deal, however. The last comprehensive immigration bill was enacted over thirty years ago, and Presidents George W. Bush and Barack Obama both failed to enact comprehensive immigration reform despite concerted efforts to do so.
- For the President, one of his primary campaign promises, and one which is particularly important to his core base, is to erect a wall along the southern border of the United States. While reforming DACA is not completely contrary to this promise, many will fail to see how allowing a path to citizenship for certain undocumented immigrants is harmonious with that goal. For Schumer and Pelosi, they began to receive push-back from their rank and file membership almost immediately, who fear that working with the President on such a key issue would necessarily lead to a compromise that they cannot support. <http://www.politico.com/story/2017/09/14/pelosi-schumer-democrats-backlash-trump-deal-daca-242741>
- There are two lessons to draw from the developments this week as it relates to federal infrastructure policy. First, the President is clearly willing to work with congressional Democrats to advance his agenda. So far, Republicans have not abandoned the President en masse, although there will certainly be some defections along the way. <http://thehill.com/blogs/blog-briefing-room/351000-steve-king-i-wont-leave-trump-over-daca> If the President is unsatisfied with his chances of advancing a partisan infrastructure proposal, he may cut a deal with congressional Democrats in order to claim a win on this issue. Such a deal would inevitably involve more than the Administration's stated \$200 billion in new direct federal infrastructure funding.
- Second, politics are never straightforward, and both sides have much to lose through an immigration reform process. While immigration reform and tax reform can both move simultaneously to some degree, adding immigration to the fall schedule will necessarily clutter an otherwise busy fall. This means that infrastructure could be pushed back even further, and if the politics go sideways on immigration, that could make it next to impossible to enact tax reform or an infrastructure package.
- With the Administration preparing to release its infrastructure proposal, the stakes for the remainder of the fall agenda could not be higher.