



International Right of Way Association Weekly Update

Monday, October 16, 2017

Trump Administration

- On Tuesday, October 10, the White House convened a meeting on infrastructure issues focused on waterways, and a Nossaman expert attended. Speakers were EPA Administrator Pruitt, Deputy Chief of Staff at the White House Rick Dearborn, Special Assistant to the President for Infrastructure DJ Gribbin, and CEQ's Associate Director for Infrastructure Alex Herrgott.
 - Pruitt talked about pushing the Clean Water Act 404 permitting process down to the states, and the need to invest in water infrastructure for safe water and wastewater.
 - Dearborn talked about permit streamlining, noting that while they want clean water and to protect the environment, it needs to work for business. The White House already issued one executive order on environmental review, and there will likely be additional EOs in the general policy area.
 - Herrgott talked about permit streamlining in terms of a process redesign, focused on the customer. CEQ is actively meeting with senior personnel at agencies to institute changes – with a focus on the need for cultural changes at some agencies.
 - Gribbin spoke about the Administration's infrastructure proposal in terms of funding and policy, but did not provide any additional detail beyond what has already been articulated in these weekly updates.
 - One attendee from the National League of Cities said that tax-exempt bonds are their biggest tool for infrastructure financing, and expressed concerns about those going away as part of tax reform. Dearborn said that while the issue is not settled, muni bonds are definitely being discussed as a pay-for in tax reform. The House and Senate tax writing committees will settle that.
- Environmental Protection Agency Administrator Pruitt repealed the Clean Power Plan rule on Wednesday, a move which was expected by those in the industry as the Administrator has been outspoken on his views of the legality of the Obama Administration rule. https://www.washingtonpost.com/opinions/the-epa-rips-up-the-clean-power-plan/2017/10/11/3e08f38e-adf5-11e7-be94-fabb0f1e9ffb_story.html
- On Wednesday, senior White House officials are scheduled to brief Senate Commerce Committee Members on the Administration's infrastructure proposal, the latest effort to educate and receive input from the Hill.

Congress

- The House Transportation and Infrastructure Committee held a hearing last week, titled “Building a 21st Century Infrastructure for America: Highways and Transit Stakeholders’ Perspectives.” The Committee heard from witnesses representing a variety of industries and perspectives. In his opening statement, Chairman Shuster noted that he has been working closely with the White House on infrastructure policy and hopes additional details are released soon.
- Appearing on Face the Nation on Sunday, Senator Lindsey Graham said that “if we don’t [pass comprehensive tax reform legislation], we’re dead” and that it will end Majority Leader McConnell’s tenure.
- On Wednesday, Oct. 18, the Senate Environment and Public Works Committee will vote on the nomination of Paul Trombino III to be Administrator for the Federal Highway Administration. <https://www.epw.senate.gov/public/index.cfm/2017/10/committee-business-meeting>

Analysis

- The President and Majority Leader McConnell plan to have lunch together at the White House today. <https://www.axios.com/a-truce-of-necessity-2496861208.html> Topics of discussion are sure to revolve around a strategy to enact comprehensive tax reform.
- In conversations with senior Hill staff this week, a Nossaman expert found that there is a recognition that a deal on infrastructure needs to be negotiated now so that it can be ready to roll out once there is an opening in the legislative calendar. Congressional Republicans are in the process of implementing a tax reform strategy by including reconciliation instructions in the budget resolution, which will allow for tax reform to be advanced on partisan lines in the Senate (instead of requiring the usual 60 votes to clear procedural hurdles prior to a final vote). Even if this strategy is successful, it is unclear whether Republicans will again try to revive legislation to repeal and/or replace the Affordable Care Act. Regardless, infrastructure is still seen as a bipartisan priority with opportunity to work across the aisle. The President and Minority Leader Schumer have discussed infrastructure regularly, but the bigger question is how the tax reform and healthcare battles will shape the political landscape this winter and spring, and how long those battles will take. At some point next summer, congressional leaders from both parties will shift their legislative strategy to focusing on maintaining their electoral strength in the mid-terms, at which point advancing any major legislation will become next to impossible.