



International Right of Way Association Weekly Update

Monday, December 4, 2017

Trump Administration

- In a conversation with a Nossaman expert last week, a Cabinet Secretary who has been helping craft the Administration's infrastructure proposal noted that the plan is to transmit the proposal to Congress in the next few months.
- The White House and Congress are still working out what the next agenda item will be after tax reform. While the latest plan had been to advance the infrastructure proposal after tax reform, the Administration is now weighing whether to push for welfare reform or to make another attempt at repealing and replacing the Affordable Care Act.
<https://www.politico.com/story/2017/11/27/trump-agenda-tax-reform-260405>

Congress

- Early Saturday morning, the Senate passed its version of the tax reform bill. The House will formally vote to begin negotiations on a compromise bill today, with the Senate following suit later this week. <https://www.politico.com/story/2017/12/02/tax-reform-whats-next-201078>
- Government funding runs out on Friday, so both Chambers will focus this week on averting a shut-down. The likely outcome this week is passage of a short-term Continuing Resolution extending government funding until just before Christmas to buy both Parties more time as they negotiate a more comprehensive deal.
<https://www.cbsnews.com/news/government-funding-runs-out-friday-gop-pushing-two-week-extension/>

Analysis

- One thing that can safely be said about this Administration is that its approach to Congress has been unconventional. More specifically, the Administration has not always planned and communicated effectively the long-term legislative strategy of the President, instead opting at times to follow the lead set by the President in his public statements and then deferring to Congress on the details of the different policy agenda items. As a result, the reports this week that the next item on the agenda after tax reform may be a renewed healthcare push or an effort to reform welfare programs should be taken with a grain of salt.

- These comments may be an intentional effort by the White House and congressional Republicans to signal for congressional Democrats that these issues are priorities and could be raised in the context of other negotiations. Alternatively, these comments could be nothing more than public musings about what items to tackle next. But these comments are certainly not indicative of a fully-thought through legislative strategy. The White House and congressional Republicans were unable to advance a healthcare reform measure on two separate attempts this year, and that was when they only needed a simple majority in the Senate under reconciliation procedures. Those procedures are no longer available for use on healthcare policy, so any further activity would require bipartisan support in the Senate. Similarly, any effort to reform welfare programs would require bipartisan support, and the ground has simply not been laid to tackle such an important, controversial issue next month.
- While this year has taught us that we should not be surprised by anything, it still seems that infrastructure may be the Administration's best option to turn to in the new year.