



International Right of Way Association Weekly Update

Monday, February 4, 2019

Government Shutdown

- Congressional negotiators are working to craft a government funding deal that can pass in both Chambers and be signed by the President before funding expires on February 15th for the portion of the government that shut down in December and January.
- The President has indicated that if Congress does not provide the full \$5.7 billion he has requested for border security, that he may use “emergency powers” to divert existing government funding towards that purpose.
<https://www.bloomberg.com/news/articles/2019-02-04/trump-threatens-to-bust-border-deal-as-shutdown-deadline-nears>

Trump Administration

- The President will deliver the State of the Union address to a joint session of Congress at 9pm ET on Tuesday.
- The President signed an executive order on Thursday entitled “Strengthening Buy American Preferences for Infrastructure Projects,” which directs federal agencies to encourage recipients of federal financial assistance to use domestically made products.
<https://www.whitehouse.gov/presidential-actions/executive-order-strengthening-buy-american-preferences-infrastructure-projects/>

Congress

- Both Chambers are in session this week.
- The House Transportation and Infrastructure Committee is holding its first hearing of the year on Thursday, entitled “The Cost of Doing Nothing: Why Investing in our Nation’s Infrastructure Cannot Wait.” https://transportation.house.gov/news/press-releases/chairman-defazio-announces-first-full-committee-hearing_the-cost-of-doing-nothing-why-investing-in-our-nations-infrastructure-cannot-wait
- Senator Carper (D-DE), Ranking Member of the Senate Environment and Public Works Committee, commented that the President should “own” an increase in user fees to pay for infrastructure, just as he “owned the shutdown,” according to reporting from Bloomberg. <https://news.bloombergtax.com/daily-tax-report/trump-needs-to-own-user-fees-for-infrastructure-carper-says>

Analysis

- Government funding issues are still the top focus of the President and Congress, and they will be featured prominently in the State of the Union address on Tuesday night. The longer this drags on and the more vocal the disagreement between the President and congressional Democrats, the more politicized infrastructure will become for 2020 Democrat presidential hopefuls and Republican Senators next up for reelection. There are 21 Republican Senators up for reelection in 2020 and only 12 Democrats.
- Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) has been clear about his goals to move an infrastructure bill through his Committee this year, and the hearing on Thursday, which will have some high-profile witnesses, will emphasize his message of the need to invest in infrastructure. However, the future of his legislation beyond the Committee is still unclear. Depending on the political environment, Speaker Pelosi may not be willing to give up Floor time to pass what is likely to be a bi-partisan piece of legislation that could be viewed as a win for the President or congressional Republicans.
- Furthermore, Senator Carper's comments tying infrastructure funding to the shut-down politicizes the issue. Politicization of all issues, including infrastructure, may become much more prevalent as the 2020 election approaches.