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## **Trump Administration Outlook**

### **Legislation, Policies and Regulations to Watch**

- Affordable Care Act (Obamacare) Repeal and Replace
  - Trump and Congressional Republicans have promised that repealing Obamacare will be the first priority of the incoming 115th Congress.
  - While the precise strategy for advancing repeal legislation continues to be deliberated among Congressional Republicans, it appears likely that such legislation would include a nearly full repeal of Obamacare and some sort of transition period (2-3 years, likely) during which new healthcare legislation would be developed.
  - Certain outlying policy riders, including a defunding of Planned Parenthood, along with debate over the length of the transition period, could cause delays in debate over repeal legislation, but both House Speaker Paul Ryan (R-WI) and Senate Majority Leader Mitch McConnell (R-KY) have indicated that they are hoping to send the new President a repeal bill shortly after his inauguration on January 20th.
  - There is a concern that the Trump Administration and Republican-led Congress could move to shift Medicaid to a block-grant program, a proposal supported by Trump during the campaign, as well as by Speaker Ryan (as part of his previous budget proposals), and by Trump's nominee to serve as Secretary of the Department of Health and Human Services (HHS); Congressman Tom Price (R-GA).
    - Instead of the federal government meeting an established percentage of a state's Medicaid costs, the plan would provide states with a set block-grant amount to cover these costs and give states flexibility in determining eligibility standards, benefits, and provider payment rates.
    - The specific block-grant amount a state receives would likely be based on historic/current spending levels, and then indexed for inflation and population growth.
    - While opponents have cautioned that reduced federal involvement and funding cuts would result in restrictions on enrollment and/or benefits, proponents suggest that reduced federal involvement/funding in the program would incentivize states to reduce costs and maximize efficiencies rather than allowing them to rely on the federal government to share in cost overruns.
- Sanctuary "Cities" (and Counties)
  - The President-elect has said he will target federal funding awarded to so-called "sanctuary cities", but has not yet offered specifics or even an outline of a plan to do so.



- It remains unclear how a Trump Administration and/or Republican-controlled Congress could target funding for these communities, or how they would be defined/identified; however, potential options to force compliance could include:
  - Denying them all federal funding (highly unlikely due to the massive impact this would have)
  - Denying them funding from specific federal programs (CDBG, SCAAP, COPS, etc.), or simply federal funding for law enforcement grants, both of which have been strategies used in previous legislative efforts.
- This issue could also be addressed via broader immigration reform efforts; however, there has been no indication that full-scale immigration reform would be an immediate priority for the Trump Administration or the 115th Congress. Instead, immigration-related issues (deportation, construction of a border wall, sanctuary cities, etc.) are more likely to be addressed individually.

➤ EPA Waters of the U.S. Rule (WOTUS)

- While the rule is pending oral arguments next spring in the 6th Circuit Court, the near unanimous Republican opposition would likely result in a concerted effort next year to stop/rescind the rule.
- Potential options for revoking the rule include:
  - Congress could rescind the rule via legislation (President Trump would almost certainly sign this into law);
  - Trump Administration could rescind the rule; or
  - Sixth Circuit Court could strike down the rule.

➤ Climate Change & Environmental Regulations/Programs

- In addition to seeking a withdrawal from global climate agreements, including the Paris Agreement, Trump has called for an immediate stop for all payments to U.N. global warming programs.
- The Trump Administration could target funding for domestic programs aimed at addressing, or even studying, the impact of climate change (coastal restoration grants, sea level rise studies, etc.). Trump has also proposed revoking Obama's Clean Power Plan which requires that states reduce greenhouse gas emissions by 2030. Similarly, programs facilitating the utilization of alternative, clean-energy sources could be reduced or eliminated.
- In addition to not requesting any funding going forward, the Trump Administration could simply wind-down existing efforts/programs and shift the funding and policy focus away from programs or research seeking to mitigate or study climate change.
- Trump has called for energy independence that would rely heavily on the expansion of energy production, including an opening/increase of both onshore and offshore leasing on federal lands, as well as an increase in oil and natural gas production.

➤ Infrastructure Plan

- During the campaign, Candidate Trump proposed/referenced a \$1 trillion, 10-year infrastructure investment plan, but never gave specifics on that or a similarly referenced \$550 billion transportation investment.
- Top campaign advisors (including Trump's nominee for Secretary of Commerce, Wilbur Ross) provided an outline of a potential Trump infrastructure plan:
  - Relies heavily on public-private partnerships (PPPs) to fund infrastructure projects; generally those that can ultimately produce a revenue stream (tolls) to recoup costs.
  - \$137 billion in tax credits would be provided to leverage the estimated \$167 billion in upfront equity (82 percent tax credit) needed to attract \$1 trillion in private sector investment over 10 years.
    - Companies using the credits would borrow money on the private market at low interest rates to finance projects.
    - The plan suggests that the tax credits would ultimately be offset by the (tax) revenue gained from 'new' wage income to 'new' construction jobs, as well as from Trump's lower (proposed) 15% business tax rate on contractors.
    - Tax credits would of course need to be authorized by Congress, which could be a tough sell with fiscal conservatives.
  - Also includes incentives for businesses repatriating overseas earnings by allowing them to invest those funds in infrastructure. By taking advantage of the aforementioned tax credits, the plan suggests those companies could offset any repatriation taxes.
- The plan does not include specifics about how to address projects that are not attractive to private investors because they might not produce a reliable revenue stream.
- While Candidate Trump often described infrastructure as including highways, bridges, airports, and water supply facilities, the plan itself does not specify which of these would be eligible for financing/funding.

➤ Affordable Housing Regulations/Policies

- Could target the Affirmatively Furthering Fair Housing (AFFH) rule, which requires local entities (local governments, public housing authorities, etc.) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. As with WOTUS (see above), this is a position that some municipalities would support.

- The President-elect reportedly indicated during the campaign that the rule would not continue under his Administration, although no specifics have been provided.
- President-elect Trump could end enforcement of these regulations (defunding offices or efforts) and/or issue updated regulations clarifying a change in policy and/or enforcement.
- Tax reform efforts under a Republican-controlled Congress could target changes to the Low-Income Housing Tax Credit, which finances the acquisition, rehabilitation, or new construction of affordable housing. In recent years, several tax proposals and policy outlines from key Republican leadership have been mostly silent on this program; however, there is concern that the credit could be restructured to align with any changes to affordable housing policies/goals.
- Reductions to program funding/revisions to programs, including
  - Choice Neighborhood program
  - Section 8 Voucher funding

➤ K-12 Education Funding/Regulations

- The President-elect has proposed a \$20 billion school voucher program, and nominated voucher advocate Betsy DeVos to serve as Secretary of Education in his Administration
- While no specific funding sources are provided for the proposed voucher expansion, there is concern that money would be diverted away from existing K-12 federal education programs, including those for low-income students/schools.
- The Trump Administration and/or Congress are also likely to modify or rewrite issued or pending regulations dealing with implementation of the Every Student Succeeds Act (ESSA), the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA).



The wife of Senate Majority Leader Mitch McConnell, Elaine Chao ran the Labor Department under the President George W. Bush administration. | Getty

## Elaine Chao tapped to be Trump's transportation secretary

By **SEUNG MIN KIM**, **ANNA PALMER** and **ANDREW RESTUCCIA** | 11/29/16 10:40 AM EST | Updated 11/29/16 06:00 PM EST

Former Labor Secretary Elaine Chao was nominated on Tuesday by President-elect Donald Trump to head the Department of Transportation.

Chao ran the Labor Department under the George W. Bush administration. She met with the president-elect at Trump Tower last week to discuss labor and transportation policy, according to Trump's transition team.

Top Senate Democrats signaled that Chao may not face much of a fight to get confirmed, with incoming Senate Minority Leader Chuck Schumer (D-N.Y.) congratulating her earlier

on Tuesday for her expected nomination and praising her for her "long history of service to our country."

"Senate Democrats have said that if President-elect Trump is serious about a major infrastructure bill, backed by real dollars and not just tax credits and without cutting other programs like health care and education, that we are ready to work with his administration," Schumer said. "I hope Secretary Chao shares that ambitious goal and is willing to work with Democrats to rebuild our crumbling infrastructure and create millions of good paying jobs along the way."

The wife of Senate Majority Leader Mitch McConnell (R-Ky.), Chao is the first Asian-American woman to hold a Cabinet-level position. She also served as deputy secretary of transportation under President George H.W. Bush. Chao was also a member of Trump's Asian Pacific American Advisory Council during the campaign.

McConnell declined to comment at length on his wife's impending nomination, noting only that she's an "outstanding choice" and that he would not be recusing himself from voting to confirm Chao.

When she came before the Senate in 2001 as the Labor secretary-designate for George W. Bush, Chao was quickly approved on a voice vote.