



Written by [Steve Byas](#) on February 12, 2018

## Trump Infrastructure Proposal Illustrative of Modern American Politics

Even before today's release of President Trump's 55-page proposal for infrastructure spending, one could have predicted that the Constitution would be largely ignored and that the Democrats would nitpick the plan, but not for constitutional reasons.

Trump predictably praised his plan for \$1.5 trillion in infrastructure proposals. "My Administration's plan addresses more than traditional infrastructure — like roads, bridges, and airports — but addresses other needs like drinking and wastewater systems, waterways, water resources, energy, rural infrastructure, public lands, veterans' hospitals, and Brownfield and Superfund sites."



In the White House document with the president's comments, Trump also said, "The reforms set forth in my plan will strengthen the economy, make our country more competitive, reduce the costs of goods and services for American families, and enable Americans to build their lives on top of the best infrastructure in the world."

Tom Donohue, president of the U.S. Chamber of Commerce, lauded Trump's plan. "For years, plenty of people have been willing to talk about modernizing our nation's infrastructure, but few have been willing to take action. We applaud the Trump administration for laying out its vision for moving ahead on this critical issue."

It is not surprising that Big Business interests such as those represented by the Chamber, who stand to benefit from the massive federal spending, are for the Trump plan, so it was also very predictable that Jay Timmons, president of the National Association of Manufacturers, gushed praise for the plan, declaring, "President Trump is providing the leadership we have desperately needed to reclaim our rightful place as global leader on true 21st century infrastructure."

And just as expected, the Democratic National Committee offered its knee-jerk opposition to the plan. "Trump's plan is just another giveaway to corporations and wealthy developers at the expense of American workers, and it fails to address some of the most pressing infrastructure needs our country faces." The Democrats claim that Trump's plan, which plans to spur \$1.5 trillion in infrastructure improvements by providing local and state governments with \$200 billion of federal seed money, is far too small of a figure and claim that it will put an onerous burden on taxpayers at the state level, though Democrats' plan would call for higher federal taxes.

Another reason that Democrats oppose the Trump initiative is because of the objections of environmentalists. They do not like Trump's plan to streamline the bureaucratic reviews that presently causes long delays for building projects, inevitably raising the costs. One official with the Trump



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administration said, “We want to shorten the process but, at the same time, preserve all of the environmental protections that current law has.” The *Washington Times* said, “The hallmark of the plan is the effort to streamline the Byzantine federal approval process.”

How is this to be done? Presently, projects must navigate through multi-agency reviews and approvals, which leads to long delays, because there is a tendency for one agency to find something “wrong” that a previous agency did not. This, of course, is used to justify the existence of the second agency. Trump’s plan would generally require the approval of only one agency.

Trump made infrastructure spending a major part of his 2016 presidential campaign, and reiterated that goal as recently as his State of the Union address, in which he asserted: “I am asking both parties to come together to give us the safe, fast, reliable, and modern infrastructure our economy needs and our people deserve. Together, we can reclaim our building heritage. We will build gleaming new roads, bridges, highways, railways, and waterways across our land. And we will do it with American heart, American hands, and American grit.”

Two hundred billion dollars from the federal government would be distributed in the following five ways: (1) \$100 billion for matching state and local government spending on projects; (2) \$50 billion for rural infrastructure grants; (3) \$20 billion for loans and private activity bonds to finance projects; (4) \$20 billion would go for “transformative programs” to prepare the United States for the future; and (5) \$10 billion for federal government office building projects .

No doubt some of the spending can be found in the enumerated powers handed over to the federal government in Article I, Section 8 of the Constitution, but sadly, the constitutionality of federal spending on local and state projects is no longer even questioned.

It was not that way in the earlier years of the Republic, when what is now called spending on “infrastructure” was then called “internal improvements.” President James Madison expressed a desire for the federal government to get involved in such spending, but said it would take an amendment to the Constitution, giving the general government in D.C. the legal authority to do so. This controversy contributed to the rise of the “Old Republicans,” led by such men as John Randolph of Roanoke, who argued it was not within the enumerated powers of the federal government to spend money on local and state “internal improvements,” such as roads, bridges, and canals. Famously, however, Henry Clay of Kentucky promoted such spending as part of his so-called American System, which included a national bank (which we have now, with the Federal Reserve System).

Such spending was limited, however, in the 19th century because the federal government, with revenue limited mainly to tariff collections and excise taxes, simply did not have enough money to drive such spending. At the time, it was understood that infrastructure spending in, say, Virginia, was the responsibility of the people of Virginia.

Probably the biggest reason that state governments now look to Washington, D.C., whether the president and Congress are Democrat or Republican, is that the federal government has the money. And the reason that they have the money is because of the 16th Amendment, enacted in 1913, which allowed Congress to pass an income tax. Without the income tax, the federal government would simply not have the financial resources to spend money on infrastructure projects (and social programs) lacking constitutional authority.

They also would not have the money to give to the states and then take it away from them when they won’t do the bidding of the federal government. For example, in 1974, Congress lowered the national



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speed limit to 55 miles per hour. Of course, the federal government possessed no such legal authority to set the nation's speed limits, but they told states that refused to buckle under and obey that they would lose their "federal highway funds." All 50 states meekly complied.

Now, with more such federal spending in this latest round of "infrastructure" projects, the states are coming even more under the thumb of the federal government.

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