



The Legislative Agenda for the Month of September

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Congress returned to session on September 6 after a seven-week summer recess. Congress will be in session for the month of September with a targeted adjournment date of September 30, when members leave town again to devote their time and energies to the November 8 elections.

Speaker Paul Ryan (R-Wisconsin) said on Tuesday the House would begin work on a Continuing Resolution (CR) to keep the government funded past the end of the fiscal year on September 30. However, he did not specify how long the stopgap spending measure would last, a crucial point in upcoming negotiations, or whether it would include additional funding to combat the Zika virus. Ryan indicated he believes that Zika aid will be approved in September. But he did not provide detail how the emergency Zika funding bill (HR2577) which also includes Military Construction-VA spending, and has been stalled in the Senate since before the summer recess, would get to the president's desk.

Conservatives are urging the Republican leadership to give priority to crucial issues before the November elections in order to avoid a "lame duck" session. However, given the increased polarization due to election pressures, a "lame duck" session is likely and may deal with issues deemed politically sensitive leading up to the elections. House Republicans are set to meet on Friday September 9 to discuss how the party should approach the year's remaining spending decisions.

Thus, emphasis is likely to focus on "must pass" legislation, i.e., budget and the CR, and perhaps the recently introduced Iran legislation that would force Iran to return the \$400 million to the US and block Treasury from making payments to Iran from the Judgment Fund.

Following are some of the issues Congress is likely to deal with for the next month:

JASTA: The Justice Against Sponsors of Terrorism Act (JASAT) which would allow 9/11 victims and their families to sue Saudi Arabia in US civil court, is pending before the House following Senate passage earlier this year. Just before the August recess, the House Judiciary Subcommittee on the Constitution and Civil Justice held a hearing on the legislation, but the bill is still pending in Committee and to date, no plans have been announced to bring the bill to the House floor. However, the declassification of the 28 pages of the 2002 Joint Congressional Inquiry into the 9/11 attacks, coupled with the 15 anniversary of the attacks this month, present an opportunity for supporters to push for passage of the JASTA legislation. The 9/11 victim groups are preparing for an intensive lobbying effort for passage of the bill. Apparently they have been successful, the House is scheduled to vote on the bill later this week.

Budget/Appropriations: The most urgent agenda item is to provide funding for USG agencies past the end of the current fiscal year on September 30. However, several of the 12 appropriations bills are bogged down over policy disagreements. Therefore it is highly likely that Congress will need to pass a short-term CR to keep the government running at current funding levels.

Currently, it is not clear how long the CR would fund the government. Past CRs have funded the government through December, followed by an Omnibus Appropriation bill passed during a “lame duck” session. Another option would be to extend the CR until 2017, when the 115th Congress convenes. How long the CR will be extended, if at all, is speculative. One thing is certain, absent final action on the 12 appropriations bill, a CR will be necessary.

Iran: The Iran hard liners in Congress are pushing to impose new sanctions. There are a number of Iran related bills that have passed the House, but the consensus is none will become law. News that the US paid Iran \$400 million has incensed members who claim the US paid a “ransom” for the release of Americans held in Iran. Senators Marco Rubio (R-Texas), Mark Kirk (R-Illinois), John Cornyn (R-Texas), Kelly Ayotte (R-New Hampshire) and John Barrasso (R-Wyoming) have introduced legislation that would force Iran to return the \$400 million to the US and block Treasury from making payments to Iran from the Judgment Fund. It should be noted that the Senate races Rubio, Kirk and Ayotte are facing a tough reelection and their races have been designated “tossups”.

The most important legislative question is what to do about the Iran Sanctions Act (ISA), which expires at the end of 2016 and is the basis for much of the sanctions “snapback” option under the Joint Comprehensive Plan of Action (JCPOA). While there is bipartisan agreement on the need to extend ISA, Democrats want a clean extension, while hardline Republicans want additional sanctions included in the ISA extension.

In a largely partisan vote in July, the House passed legislation that would require imposing sanctions on the entire civilian business sector in Iran if any one entity within a named sector was found to have provided indirect or direct support to the country’s ballistic missile program. The White House has promised to veto the bill, saying it would kill the nuclear deal. The McCarthy bill is not expected to gain much traction in the Senate. If a floor vote is scheduled, it will almost certainly be filibustered by Senate Democrats. Corker’s legislation, while more limited in scope, also faces an uphill climb to obtaining the necessary backing from 60 senators to avoid a filibuster before the end of the year.

Meanwhile, Senate Foreign Relations Chairman Bob Corker (R-Tennessee) has introduced bipartisan legislation that would, in addition to renewing the Iran Sanctions Act, also impose sanctions on individuals affiliated with Iran’s missile program and further restrict Iran’s access to the US dollar in international financial transactions.

While Senate Republicans are likely to hold a floor vote on either or both the McCarthy and Corker bills purely for political posturing, Congress is likely to vote on a “clean” bill that would extend the ISA before the end of 2016.

Yemen: There is a growing concern in Congress over the Saudi-led coalition military operation in Yemen, and the US role. Senator Chris Murphy (D-Connecticut) has introduced legislation opposing the \$1.15 billion arms sale to Saudi Arabia. Murphy and his supporters are not likely to succeed in their efforts to delay the sale, but they will continue to challenge the Obama Administration over its support for the Saudi military campaign in Yemen. Nevertheless, Murphy will continue to look for opportunities to express congressional concerns with the Yemen campaign. A year-end omnibus could be the legislative vehicle for Yemen-related language.

Defense: Congress is unlikely to complete either of the two defense bills — the Department of Defense appropriations bill and the National Defense Authorization Act (NDAA) — before the October recess. Additionally, the White House has expressed several policy objections to the bills in their current form, raising the threat of a veto fight.

As the DOD appropriations bill remains stuck in the Senate, a short-term CR will need to include Pentagon funding. A defense CR is unlikely to extend into 2017. It is possible that the conference report will be completed before September 30, but a signed version of the NDAA is unlikely before December given the White House veto threat. President Obama vetoed last year's Defense Authorization bill and is likely to do so again this year. However, the Republican leadership might determine it is politically advantageous to pick a veto fight with the White House in this charged election atmosphere. In any case, an acceptable compromise will be needed to address the budgetary differences, the cause of last year's veto.