



## **WASHINGTON UPDATE SEPTEMBER 2016**

### **Election Day, Tuesday November 8**

A quick note on the upcoming elections.

Recent national polls show Hillary Clinton continues to hold a 5- 7-point lead over Donald Trump in the race to the White House.

The election is slowly looking easier for Clinton and tougher for Trump. Without getting into too many details, the electoral college is leaning heavily towards Clinton in some key states, though with 2 months and 3 debates ahead of us, I'm not ready to call this race!

That being said, many political observers are tightening their watch on key Senate races that will decide the majority in the next Congress. Though Trump currently lags in the polls in these states, Republicans in the most contested Senate races are running ahead of Trump's numbers. Senator Rob Portman (R-OH) currently leads in Ohio, Senator Marco Rubio (R-FL) leads in Florida, and Senate races are running even in New Hampshire, Nevada and Pennsylvania.

### **Looking Ahead to the Pre-Election Work Period**

Congress has been preoccupied over the past several months gearing up for the Conventions and wrapping things up to head out for the August recess. With both of those events behind us, the post Labor Day/pre-election work period is scheduled to begin September 6 and end Friday, October 7.

Members are going to be anxious to get back home to focus on the elections, and given we only have 2 months to go, the Senate is aiming to complete its work a week early and recess on September 30.

Given the compressed timeline, the legislative agenda in Washington is likely to be limited this fall. The policy items most likely to see action before Congress

departs again include the following: a continuing resolution, DoD Approps/MilCon-VA bill, Defense Authorization, Zika Funding, the Energy Conference Bill, a Mini-Omnibus and a disaster package for Louisiana.

***\*The top priorities in the Senate during this shortened work period are the Zika Funding legislation and the Continuing Resolution.***

## **Zika Funding**

As a reminder, the Senate failed to invoke cloture in July on a second attempt to pass the House version of the Zika funding legislation. While the bill has bipartisan support, the measure failed primarily because it was wrapped up in the Transportation-HUD-Military Construction appropriations bill.

Prior to the August break, Florida officials thought it was possible there were a handful of Zika infections in the state in people with no travel to endemic areas. Fast forward to today, and it's clear there are hundreds of such cases in Florida and political pressures have built for swift passage on both sides of the aisle. The path for Zika funding is likely to be either tied to emergency flood funding for Louisiana or wrapped up in the CR, which is outlined next.

## **The Continuing Resolution**

The clearest path to a quick depart out of Washington this fall for Congress is the passage of a Continuing Resolution (CR) to fund the government. ***The CR needs to pass September 30.*** The Republican controlled House is strongly supportive of passing a CR that would extend through a potential "Lame Duck" session of Congress and expire at some point in early 2017. This would effectively block President Obama from any last minute legislative victories before he heads out of the White House. That being said, a CR through the end of the year is highly unlikely to pass in the Senate.

The more likely outcome during this work period is a short term CR at current funding levels through the election, getting Congress back in session for a lame duck in December. This would punt any tough political negotiations through the election and get anxious Members out of town and back on the campaign trail. How long the lame duck lasts and any legislative outcomes from it are unpredictable given the uncertainty of Senate control after the fall elections. President Obama and Minority Leader Harry Reid (D-NV) likely would like to use

the lame duck session to pass any last minute priorities before heading out of office, a scenario both the House Republican majority and the Senate Republican Leadership would like to avoid.

### *Other Legislative Priorities to Watch*

#### **DoD Approps/MilCon-VA Bill**

This measure failed to get the 60 votes needed prior to the August break so Majority Leader Mitch McConnell (R-KY) will use the motion to reconsider the votes at 5:30 pm on Tuesday, September 6. If they fail to reach cloture again, these bills will likely find their way to the CR.

#### **The Energy Conference Bill (Energy Policy Modernization Act S. 2012)**

As a reminder, the Senate voted 84-3 in July to convene a conference committee with the House on the broad energy bills each chamber passed this spring. It is possible an Energy Conference Bill will move in the Senate before Congress leaves for the election, but time and bipartisan support must both align to make this possible. Negotiations on this measure are ongoing.

#### **The 21<sup>st</sup> Century Cures Act**

The 21<sup>st</sup> Century Cures Act HELP Committee package could potentially see Senate action before Congress leaves in early October. The Senate HELP Committee opted for a piecemeal approach rather than simply pass the House version, voting on 7 separate bills related to different sections of bill. Chairman Lamar Alexander (R-TN) is aiming for floor action before the Senate leaves for the elections, and though the bill does have bipartisan support in both the House and Senate, funding for the bill continues to be sticking point. The other sticking point to passage of the CURES Act is the lack of time and the focus on funding the government with a CR in the Senate. This legislation could see action, or could go on the backburner depending on productivity in early September.

#### **Trade**

President Obama's top trade priority, the **Trans-Pacific Partnership**, is likely to only see the light of day during a lame duck session. The likelihood of any deal on this trade package occurring before the election are minimal.