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Lots of Russia Items on U.S. Congress Agenda

By Matthew Rojansky

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When U.S. voters overwhelmingly cast their ballots Tuesday in favor of a divided government, they did so largely on the basis of domestic issues, such as the economy, taxes and health care reform. But their votes will also have a significant impact on international relations, particularly related to Russia, a country that is high on U.S. President Barack Obama's foreign policy priority list.

In the new 112th Congress, Democrats will still control the Senate, but only by a slim margin, and Republicans will enjoy a comfortable majority in the House. This could mean delay or reversal for the Obama administration's Russia agenda.

Item No. 1 on the U.S.-Russian agenda is the New START treaty, which Presidents Obama and Dmitry Medvedev signed in April to reduce both countries' nuclear arsenals and resume bilateral inspections. The Senate Foreign Relations Committee approved the bill in September by a vote of 14-4 (11 Democrats and three Republicans supported it), but the full Senate has not yet started proceedings on ratifying the treaty.

With their post-election Senate majority, Democrats may try to push through a vote on New START during the lame duck session. But there will be an even stronger push to wait for the new Congress from Republican leaders, who will have more votes in January and a better chance of blocking the treaty altogether.

Regardless of when the Senate considers the treaty, it is not likely to be approved by the wide, bipartisan margin enjoyed by past arms control treaties, such as START I (93-6) in 1992 or SORT (95-0) in 2002. The path to 67 "yes" votes for the administration — the minimum needed to ratify New START — could become even harder if newly elected Republicans decide to automatically oppose any Obama administration priority. This will be less of a concern for the White House if these new members are open to joining the small group of bipartisan national security pragmatists led by Republican Senator Richard Lugar.

A second major priority for U.S.-Russian relations currently before Congress is the "123 agreement" on civilian nuclear cooperation. This agreement will allow U.S. and Russian companies to exchange nuclear technology and materials, conduct joint research and development programs and bid together on nuclear energy projects in other countries.

The United States already has this type of civilian nuclear agreement with Australia, South Korea and 19 other countries. If 123 is approved, it will be beneficial for both sides. Among other things, the agreement will enable Russian firms to store and reprocess spent fuel from U.S. reactors, which Congress has traditionally opposed doing anywhere in the United States. The agreement is not a treaty, but rather a waiver of the federal Atomic Energy Act of 1954. (Federal law only requires that the agreement be submitted for congressional consideration for a period of 90 days of continuous session.)

Since the Obama administration submitted the agreement on May 10, the clock has run for 75 days. While the Democratic-controlled Senate could stay in session for a longer period of time, it is highly unlikely that the lame duck Democratic leadership will be able to keep the House in session for more than a few days before January. This means that the prospects of reaching 90 days of continuous session for the 123 agreement are low. As a result, the entire process resets for the new Congress, and Obama must resubmit the agreement in January to start the clock again.

Another potential obstacle is the House Foreign Affairs Committee, which will most likely be chaired by Republican Representative Ileana Ros-Lehtinen. She co-sponsored a resolution opposing the 123 agreement because of Russia's alleged nuclear cooperation with Iran. But this move came before Russia supported United Nations Security Council Resolution 1929, which imposes sanctions on Iran for its nuclear program and before Russia canceled the sale of the S-300 air defense system to Tehran.

A third issue involves trade relations with Russia. While the U.S. and Russian governments have resolved outstanding bilateral issues clearing the path for Russia's accession to the World Trade Organization, Congress also plays an essential role because it must approve permanent normal trade relations with all WTO members. To do so with Russia, Congress would also have to terminate application of the 1974 Jackson-Vanik amendment, which was designed to aid Jewish emigration from the Soviet Union.

Many observers believe that this step is overdue because today Russia enjoys visa-free travel

with Israel. But because some lawmakers still want to use Jackson-Vanik to pressure Moscow on human rights, Congress will likely delay serious consideration of the issue until Russia's WTO membership forces a decision.

Congress will also remain involved in other matters that are central to the U.S.-Russian relationship. The House and Senate, for example, share the power to approve or reject funding for all federal programs, including the foreign relations and defense budgets. Finally, committees and subcommittees in either chamber may hold hearings and investigate any matter that falls under their broad oversight authority, including the president's relations with foreign governments.

Each of these issues is likely to have important consequences for U.S.-Russian relations long past Election Day. Just how the newly divided Congress approaches them is something observers in both Washington and Moscow will watch closely.

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