



Congressional Corner

Roxanne Perugino
February 29, 2016

I. Terrorism

(1) Designating the Muslim Brotherhood a Foreign Terrorist Organization (HR 3892) – On February 23, the House Judiciary Committee approved **HR 3892, a bill to designate the Muslim Brotherhood a terrorist organization**, with an amendment, by a vote of 17-10. The legislation urges the State Department to designate the Muslim Brotherhood a foreign terrorist organization (FTO). (The bill was introduced last November by Representative Mario Diaz-Balart (R-Florida) and four Republican cosponsors and referred to the House Judiciary Committee. In the Senate, Senator Ted Cruz (R-Texas) introduced an identical bill, **S2230, a bill to designate the Muslim Brotherhood a terrorist organization.**)

The panel adopted by voice vote a substitute amendment offered by House Judiciary Chairman Bob Goodlatte (R-Virginia) that directs the Secretary of State to include in a report to twelve Congressional committees (a ridiculously large number of committees), a detailed justification of why the Muslim Brotherhood has not been designated as a FTO if it meets the criteria. The bill also would require the Secretary of State to explain what criteria have not been met if the Department determines that the Muslim Brotherhood does not qualify as a FTO.

HR 3892 as amended, would have a threefold effect: the Administration would actually have to deny admittance to aliens tied to the Muslim Brotherhood; persons who provide material support to the Muslim Brotherhood would be subject to federal criminal penalties; and the Treasury Department would be able to require US financial institutions possessing or controlling any assets of the Muslim Brotherhood to block all financial transactions involving those assets.

Several Members, including Representative John Conyers (D-Michigan) have questioned the rationale of taking action “without any real consideration of the facts,” noting that the panel did not hold any hearings or briefings with the State Department about the group.

The next step in the legislative process is passage by the full House, but as yet no date has been announced. The bill could be brought up under Suspension of the Rules, which means that no amendments would be allowed and a two-thirds majority is required for passage. If and when the bill comes before the full House, passage is likely, given the congressional mood on terrorism. After House passage, the bill will be referred to the Senate for its consideration. While the Senate might consider the House bill, or the Cruz version, it is highly unlikely that this legislation will be enacted into law.

Although the US Government has officially listed individual members, branches and charities of the Muslim Brotherhood as terrorists, it has not designated the organization as a whole **and**



does not support the legislation. In a hearing before the House Foreign Affairs Committee on February 25, Kerry said that the Administration carefully assesses the Muslim Brotherhood's status and while individuals of the organizations have been designated terrorists, the Muslim Brotherhood "...writ large is not a terrorist organization."

(2) Combatting Terrorist Travel (HR 4408) – On February 23 the House passed **HR 4408, a bill to require the development of a national strategy to combat terrorist travel** by a vote of 392-0. The bipartisan bill was introduced on February 1, 2016 by Representative John Katko (R-New York) with eight cosponsors: Representatives Will Hurd (R-Texas), Barry Loudermilk (R-Georgia), Michael McCaul (R-Texas), Marth McSally (R-Arizona), Donald Payne, Jr. (D-New Jersey), John Ratcliffe (R-Texas), Loretta Sanchez (R-California), and Filemon Vela (D-Texas).

The bill calls on the President to direct the Department of Homeland Security (DHS) to develop the initial national strategy, an updated strategy (to be submitted within 180 after the commencement of a new presidential administration), and an implementation plan; and (2) other federal agencies to coordinate with DHS in the development and implementation of such strategy and updates.

The initial national strategy and updates are to:

- include an accounting and description of all federal government programs, projects, and activities to constrain travel by terrorists and foreign fighters;

- identify specific security vulnerabilities within the United States and abroad that may be exploited by such persons;

- delineate goals for closing those vulnerabilities and enhancing the federal government's ability to constrain such travel; and

- describe actions and the means needed to achieve such goals.

The bill will now be referred to the Senate for its consideration.

II. Qatar

Following the Iran Nuclear deal, the US promised Israel a new US aid package totaling approximately \$40 billion to guarantee its **Qualitative Military Edge (QME)** in the region. The two countries are negotiating a new aid package to begin in FY 2018. Israel wants more -- \$50 billion over 10 years and if the deal ends up being closer to \$50 billion, Israel will be able to buy new F-15s.



At the same time the US is seeking to sell F-15s to Qatar which is looking to increase its fleet to 72 fighters. However, Israel has expressed “serious problems” with Qatar’s support for extremist organizations like Hamas and the Muslim Brotherhood. Israel also has criticized Doha-based al Jazeera Arabic television network for inciting extremists to violence against Israel. As a result of Israel’s concerns and its desire to increase the new aid package – at the expense of Qatar -- the potential sale to Qatar has resulted in a delay causing Qatar to consider the French Rafale as an alternative.

The delay also impacts the US economy. According to reliable reports, if Boeing, the manufacturer of the F-15, cannot secure firm orders in the coming months, it will begin shutting down the F-15 production line in St. Louis, Missouri, by early summer, resulting in the loss of American jobs.

While relations between Israel and the Sunni Gulf States are slightly better due to their concern over Iranian hegemony, Israel claims it cannot ignore the large amount of sophisticated military equipment that is going to an unstable region where regimes can quickly change; thus the longstanding US policy to preserve Israel’s QME against any regional threat must be upheld. Several members of Congress support the sale, including Missouri Senator Claire McCaskill (D), Senate Armed Services Chairman (SASC) John McCain (R-Arizona), and SFRC Chairman Bob Corker (R-Tennessee) who believe eventually the sale may go through. The Administration is engaged in a delicate balancing act as it tries to reassure Israel that it will maintain its QME; and also meet its commitments on security coordination made to the Gulf States made last year. Still the perception exists that the Administration appears to have caved in to Israeli pressure to delay the sale to Qatar.

III. Syria

On Wednesday, March 2 the House Foreign Affairs Committee will mark up **HRes 269, expressing the sense of the House of Representatives regarding the need for investigation and prosecution of war crimes and crimes against humanity, whether committed to officials of the Government of Syria or other parties to the civil war in Syria, and calling on the President to direct the United States representative to the United Nations to use the voice and vote of the United States to immediately promote the establishment of a Syrian war crimes tribunal, and for other purposes.**

The bill was introduced last May by Representative Christopher Smith (R-New Jersey) with two cosponsors: Representative Erik Paulson (R-Minnesota) and Joseph Pitts (R-Pennsylvania). The non-binding resolution expresses the sense of the House that:

-- the United States should urge the government of Syria and other parties to the civil war in Syria to implement an immediate cease fire and engage in negotiations to end the bloodshed;

--the United States should declare that it is a requirement of basic justice that war crimes and crimes against humanity, whether committed by officials of the government of Syria or other parties to the civil war in Syria, should be investigated and prosecuted;



--the President should direct the U.S. representative to the United Nations to promote the establishment of a Syrian war crimes tribunal;

--the United States should continue its efforts to collect and analyze documentation related to ongoing violations of human rights and make collection of information that can be supplied to a Syrian war crimes tribunal a priority;

--in working with other countries to establish a Syrian war crimes tribunal the United States should promote judicial procedures that enable the prosecution of the most culpable persons guilty of directing such crimes; and

--the United States should urge other interested states to apprehend and deliver into the custody of a Syrian war crimes tribunal persons indicted for war crimes or crimes against humanity in Syria, and urge such states to provide relevant information to the tribunal.

It is expected the Committee will pass the measure and bring it to the floor of the House for a vote as soon as possible. The resolution is non-binding and therefore does not have the force of law. It simply states the views of Congress and is one of many Syria resolutions considered by this Congress.

IV. Lebanon

On February 22, the Senate received the nomination of Elizabeth Holzhall Richard to be Ambassador to the Lebanese Republic. Richard's nomination is pending before the SFRC but no date for a confirmation hearing has been announced.

V. Fiscal Year 2017 State Department, Foreign Assistance Budget

Last week Secretary Kerry appeared before four congressional committees to justify – and defend – the President's FY 2017 budget for the Department of State and Foreign Assistance programs. On Tuesday, February 23, Kerry appeared before the SFRC; on February 24 he appeared before the House Appropriations Subcommittee on State, Foreign Operations; later in the afternoon he appeared Senate Appropriations Subcommittee on State, Foreign Operations; and, on Thursday, February 25 he appeared before the House Foreign Affairs Committee (HFAC).

While the hearings were supposed to focus on the FY 2017 budget, Kerry heard a number of comments about US foreign policy particularly with regard to Iran, Syria and legislation that would designate the Muslim Brotherhood a (FTO). Kerry's prepared testimony before all four committees is available [here](#). Videos of the committees' website can be viewed on the committees' website.

VI. Pakistan



On February 11 the Defense Security Cooperation Agency (DSCA) notified Congress, pursuant to a provision in the Arms Export Control Act (AECA) that it intends sell F-16 Block 52 Aircraft, equipment, training and logistics support to the Government of Pakistan.

The House and Senate have gone on record opposing the sale of F-16s to Pakistan claiming Pakistan has not done enough to combat terrorism. The Obama Administration has argued that Pakistan has been using its fleet of F-16s effectively against terrorists. Several, including Senate Foreign Relations Committee Chairman Bob Corker (R-Tennessee), have focused the objection to Pakistan financing the purchase from the military assistance – the Foreign Military Financing program (FMF). However, Corker said that while he would clear the sale of the aircraft he would not support the expenditures from the very limited FMF account. So in effect, he has placed a “hold” on the sale for the time being. If however, Pakistan makes programs in addressing Corkers concerns about the country’s support for the Haqqani network, Corker may consider lifting his hold.

In the House, Representative Matt Salmon (R-Florida) Chairman of the House Foreign Affairs Asia and Pacific Subcommittee has urged the Administration to reconsider the sale. Representatives Ted Poe (R-Texas) and Tulsi Gabbard (D-Hawaii) recently registered their opposition to the sale in a letter to Secretary of State Kerry urging the Administration not to use taxpayer money to finance the sale to Pakistan.