



Congressional Update

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May 20-27, 2016

Congress has been preoccupied with Saudi Arabia and Iran this week as noted in the push to enact the **Justice against Sponsors of Terrorism Act**, and the number of hearings on Iran and Iran-related amendments adopted during consideration of the **FY 2017 National Defense Authorization Act (NDAA)** in the House. Iran amendments are pending to the Senate version of the NDAA.

Congress has adjourned for the Memorial Day Recess. The House and Senate will return to session on Monday, June 6. The next Congressional Update will be issued on Friday, June 10, 2016.

I. Saudi Arabia

(1) On May 17, the Senate passed, by voice vote, **S2040 the Justice against Sponsors of Terrorism Act**, referred to as the JASTA, after agreeing to a substitute amendment. The amendment, S.Amdt. 3945 was offered by Senator John Cornyn (R-Texas), a member of the Senate Judiciary Committee and a cosponsor of the legislation along with Senator Chuck Schumer (D-New York).

The JASTA legislation would allow families of victims of terror attacks on US soil to sue the foreign states that fund terrorism and permit them to hold accountable those who aid and abet terrorism. The Administration opposes the bill and President Obama has said he will veto the bill if passed.

Cornyn's amendment tones down the text of the bill compared with the version that was reported out of the Senate Judiciary Committee in February. However, the changes were not sufficient to satisfy the White House concerns about potential unintended consequences, such as opening up the United States to litigation. Following passage of the JASTA, White House press secretary Josh Earnest stood by Obama's position, arguing that the revisions made by the Cornyn amendment were not sufficient to resolve the Administration's concerns. Schumer, however insisted the Senate would obtain the required two-thirds majority to override a presidential veto.

Note: A more detailed report on the Senate's action has been published on the Center web site.

(2) **The US-Saudi Arabia Counterterrorism Relationship.** On May 24, the House Foreign Affairs Committee (HFAC) held a hearing on US-Saudi relations. The general thrust of the hearing was whether the House should vote to pass the JASTA bill current pending before the House. Testimony was heard from Tim [Roemer](#), former 9/11 Commissioner, Simon [Henderson](#), Director of the Gulf and Energy Policy Program at WINEP; Karen Elliot [House](#),



Senior Fellow at the Belfer Center for science and International Affairs, and Daniel [Byman](#), Professor at Georgetown University. While witnesses were critical of some aspects of the bilateral relationship, there was little support for House passage of the JASTA bill.

(3) On May 19, Saudi Arabia distributed a memo to members of Congress detailing its counterterrorism efforts in an attempt to counter growing congressional criticism that the Kingdom is not doing enough to fight extremist terrorism. The 104 page document covers the country's security measures aimed at terrorists, financial measures to disrupt terrorist funding and anti-radicalization efforts.

The paper reportedly describes Saudi Arabia as “one of the leading nations in combating terrorism and terror-financing,” adding that it's “been working closely with its allies on all fronts.” The Saudi paper was given to Congress in anticipation of the expected declassification of 28 classified pages of a congressional inquiry into the 9/11 terrorist attacks.

II. Iran

(1) Understanding the Role of Sanctions Under the Iran Deal. On May 24, the Senate Banking Committee held a hearing to examine understanding the role of sanctions under the Iran deal. The Committee's focus was to examine the repercussions of lifting economic sanctions on Iran, and to understand the effects of implementing the Iran nuclear deal. Testimony was received from Juan C. [Zarate](#), Financial Integrity Network; Mark [Dubowitz](#), Foundation for Defense of Democracies Center on Sanctions and Illicit Finance; Michael [Elleman](#), International Institute for Strategic Studies; and Elizabeth [Rosenberg](#), Center for New American Security.

(2) Understanding the Role of Sanctions Under the Iran Deal: Administration Perspectives. On May 25, Senate Banking continued its oversight hearings on the Iran Sanctions with Administration witnesses. The hearing was held to examine how the Iran deal is being implemented and in particular, the actions the Administration is take to further facilitate Iran's access to the global financial system. Testimony was received from Adam [Szubin](#), Acting Under Secretary of Treasury for Terrorism and Financial Crimes; Stephen [Mull](#), Lead Coordinator for Iran Nuclear Implementation.

(3) Iran Nuclear Deal Oversight: Implementation and its Consequences (Part II). On May 25, the House Foreign Affairs Committee (HFAC) continued its oversight hearings of the Iran nuclear deal. In announcing the hearing HFAC Chairman Ed Royce (R-California) said that “The President's nuclear agreement is showing dangerous flaws. The Iranian regime is demanding more cash, above and beyond sanctions relief from the nuclear deal. And rather than confront Tehran's dangerous and provocative acts, the Administration is desperately trying to push European banks to invest in Iran.” The hearing was intended to provide members the opportunity to press Administration officials about its approach to Iran.



Testimony was received from Adam [Szubin](#), Acting Under Secretary of Treasury for Terrorism and Financial Crimes; Thomas [Countryman](#), Assistant Secretary of State for International Security and Nonproliferation; and Stephen Mull, Lead Coordinator for Iran Nuclear implementation.

(4) Republican Members Ask for Clarification of Iran Nuclear Deal. On May 17 Representative David Trott (R-Michigan) and 23 House Republican sent a [letter](#) to President Obama asking him to clarify his position on *the most recent statements made by his Deputy National Security Adviser Ben Rhodes, and actions taken by the Administration that are contrary to the promises made before the JCPOA was signed.*

(5) Republican Senators Ask that Ben Rhodes be Fired. On May 16, Senators Mark Kirk (R-Illinois), John Barrasso (R-Wyoming), David Perdue (R-Georgia) and John Cornyn (R-Texas) sent a letter to President Obama asking that Deputy National Security Adviser Rhodes be fired before he further tarnishes the office of the President. *The recent profile of Rhodes in the New York Times where he divulged the Administration's strategy for the Iran Nuclear Agreement prompted the letter.*

III. National Defense Authorization Act (NDAA – House Version)

On May 18, 2016, the House passed HR4909, the FY 2017 NDAA by a vote of 277-147, after two days of intense debate on a number of contentious amendments. HR4909 authorizes \$602.2 billion in discretionary spending for national security programs, mostly in the Defense and Energy departments. Despite a series of heated partisan clashes on the floor, the House only marginally altered the committee's bill.

Democrats, however, were unhappy with the bill. Led by Representative Adam Smith (D-Washington), the ranking Democrat on the House Armed Services Committee, Democrats objected to the Republican decision to use five months' worth of war funding, or \$18 billion, to bankroll a larger military with new weapons and facilities improvements that were desired by the service chiefs and many contractors but not deemed important enough by the White House to make the budget request. Smith voted against the bill.

(1) Middle East-Related Amendments Adopted

The House considered 181 amendments to the measure. Most were provisions requiring reports from the Pentagon or expressing congressional views on various topics. Most of the amendments were adopted. A list of Middle East-related amendments follows: (See May 13 Congressional Update for list of Middle East-related amendments submitted to the Rules Committee. Not all submitted Middle East amendments were considered.)

Israel-Iran: Offered by Representative Peter Roskam (R-Illinois) the amendment established the sense of Congress that Israel should be able to defend its vital national interests and protect its territory and population against existential threats and mandates that the President report on



the necessary defensive mechanisms required and requested by Israel to protect itself against existential threats and on the availability for sale or transfer of these items to Israel.

Israel: Offered by Representatives Brian Higgins (D-New York) and Barry Loudermilk (R-Georgia), the amendment authorizes the provision of maritime assistance to Israel in order to protect its offshore energy resources and infrastructure from state and non-state actors. (Note: Higgins and Loudermilk have introduced a free-standing bill on the same subject.

Israel/Water: Offered by Representative Grace Meng (D-New York), the amendment authorizes the Secretary of Defense, with the concurrence of the Secretary of state, to enter into agreements with governments of foreign countries, such as Israel and other national that excel in addressing water scarcity and water resource development issues, in order to develop land-based water resources in support of and in preparation for contingency operations.

Iran: Offered by Representative Roskam, the amendment requires the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities.

Iran: Offered by Representatives Mike Pompeo (R-Kansas) and Daniel Lipinski (D-Illinois), the amendment requires the Secretary of Defense to submit a report to Congress on cooperation between Iran and the Russian Federation and to what extent such cooperation affects US national security and strategic interests.

Iran: Offered by Representatives Meng and Lee Zeldin (R-New York), the amendment extends for three years the requirement (consistent with provisions in the FY2013 NDAA), that the President report to Congress on the use of certain Iranian seaports by foreign vessels and the use of foreign airports by sanctioned Iranian air carriers.

Iran: Offered by Representative Raul Ruiz (D-California), the amendment authorizes assistance and training to countries bordering the Persian Gulf, Arabian Sea, or Mediterranean Sea in an effort to deter and counter illicit smuggling and related maritime activity by Iran. The program is to run through FY 2020.

Iran: Offered by Representative Scott Peters (D-California), the amendment expresses the sense of Congress that the US should work with GCC allies to encourage and enable an integrated ballistic missile defense system to prevent an attack by Iran against such countries.

Iran: Offered by Representatives Seth Moulton (D-Massachusetts), Joe Wilson (R-South Carolina) and Beto O'Rourke (D-Texas), the amendment requires the President to officially notify Congress whenever Iran conducts a ballistic missile launch (including ballistic missile tests) and inform Congress as to actions the President will take in response, including diplomatic efforts to pursue additional sanction, including through passage of a UN Security Council resolution.



Syria: Offered by Representative Gwen Moore (D-Wisconsin), the amendment expresses the sense of Congress regarding the intentional targeting of attacks against medical facilities and medical providers in Syria.

Syria: Offered by Representative Richard Nolan (D-Minnesota), the amendment prohibits funding from the Syria Train and Equip program to recipients that the Secretary of Defense has reported as having misused provided training and equipment.

Syria: Offered by Representatives Ted Yoho (R-Florida) and John Conyers (D-Michigan), the amendment prohibits the transfer of man-portable air defense systems to any entity in Syria.

(2) Amendments Rejected by the Rules Committee and Therefore Not Considered

Israel/Golan: Sponsored by Representative Doug Lamborn (R-Colorado), the amendment expresses the sense of Congress that it is in the US national security interests for Israel to maintain control of the Golan Heights.

Israel/Golan: Sponsored by Representative Charles Boustany (R-Louisiana), the amendment expresses the sense of Congress that the Golan Heights is vital to Israel's security and at a time when Syria's civil war has unleashed countless terrorist organizations on Israel's Northern border, including the Golan Heights the UN and other international organizations should not issue statements or call for actions that would jeopardize Israel's security, but rather should insist that any peace process must be based on direct bilateral negotiations between Israel and her neighbors.

Israel/Tunnels: Sponsored by Representatives Mike Quigley (D-Illinois) and Jared Polis (D-Colorado), the amendment would increase funding for the Israeli Anti-Tunnel Defense System by \$21 million.

Palestinians: Sponsored by Representative Steve King (R-Iowa), the amendment prohibits the use of funds authorized by the NDAA from being used to transfer weapons or military assistance to the Palestinian Authority (PA). As noted in the May 13 Update, the NDAA does not authorize funding for the PA for any purpose; therefore the amendment is unnecessary.

Iran: Sponsored by Representative Yoho, Trent Franks (R-Arizona) and Lamborn, the amendment would require that any future purchase of nuclear goods from Iran be subject to DOD reprogramming. Requires that any OFAC license would have to sit with the congress for 90 legislative days.

Iran: Sponsored by Representatives Jackie Walorski (R-Indiana) and Roskam, the amendment prevents the Department of Defense from using FY17 funds to contract, or conduct significant transactions with Iranian persons such as those who are on the SDN list, part of the IRGC, or part of the Government of Iran."



Iran: Sponsored by Representatives Keith Ellison (D-Minnesota) and Walter Jones (R-North Carolina), the amendment adds language that clarifies that the bill is not an authorization for the use of military force in Iran.

Syria: Sponsored by Representative Nolan (D-Minnesota), the amendment prohibits funding from the Syria Train and Equip program to recipients that engage in a consistent pattern of gross violations of internationally recognized human rights.

Syria: Sponsored by Representatives Rosa DeLauro (D-Connecticut) and Kay Granger (R-Texas), the amendment prohibits Department of Defense from entering into a contract or subcontract with Russia's state-arms dealer Rosoboronexport unless the Secretary of Defense, in consultation with the Secretary of State and Director of National Intelligence, certifies that the firm ceased transferring weapons to Syria, Russia pulled out of Crimea, Russian forces have withdrawn from the eastern boarder of Ukraine, and that Russia is not otherwise actively destabilizing Ukraine. Any such certification would be reviewed by the Defense Department Inspector General.

Syria: Sponsored by Representatives Tulsi Gabbard (D-Hawaii), Mark Takai (D-Hawaii), Nolan (D-Minnesota) and Jones (R-North Carolina) the amendment removes the extension of authority for the Syria train and equip program.

Syria: Sponsored by Representatives Yoho and Scott Peters, the amendment expresses a sense of Congress condemning Assad's regime for its use of chemical weapons, including chlorine, on the people of Syria. Includes a sense of Congress that the President should offer material support for the collection of evidence of chemical weapons use in Syria.

Saudi Arabia: Sponsored by Representatives Conyers, Ellison, James McGovern (D-Massachusetts) and Raul Grijalva (D-Arizona), the amendment states that none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to transfer or authorize the transfer of any cluster munitions to Saudi Arabia.

IV. FY 2017 National Defense Authorization Act (NDAA – Senate Version)

Last week the Senate Armed Services Committee completed its markup of the Senate version of the NDAA. The Committee's press release is [here](#). The Committee also released a summary of the bill. The summary notes that the bill authorizes \$239 million for US-Israeli cooperative missile defense programs, including a \$135 million increase to support continued development of the Arrow, Arrow 3, and David's Sling programs. It also that the bill authorizes \$42 million for procurement of Tamir interceptors from the Iron Dome short range rocket defense system and \$50 million for the U.S.-Israel anti-tunneling cooperation program. On 5/18, the bill was formally introduced as S2943 and currently is being debated on the Senate floor. It is very likely that a number of amendments similar to those offered in the House will be considered.



The Senate began consideration of a motion to proceed on **S2943**, the Senate version of the NDAA. A unanimous consent agreement was reached providing that on Monday, June 6, the Senate will begin consideration of the bill and amendments thereto.

V. Ambassadorial Confirmations

Lebanon: On May 17 the Senate confirmed the nomination of Elizabeth H. Richard, to be US Ambassador to Lebanon.

VI. Nominations Received in the Senate

Iraq: On May 19, the Senate received the nomination of Douglas Alan Silliman, to be Ambassador to the Republic of Iraq