



Congressional Update – Week of August 15, 2016

By Roxanne Perugino

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I. Saudi Arabia

Proposed Arms Sale: On August 8 the Defense Security Cooperation Agency (DSCA) notified Congress of its intention to sell to the Kingdom of Saudi Arabia M1A2S Saudi Abrams Main Battle Tanks and M88A1/A2 Heavy Equipment Recovery Combat Utility Lift Evacuation System (HERCULES) Armored Recovery Vehicles (ARV), equipment, training, and support. The estimated cost is \$1.15 billion. Under the provision of the Arms Export Control Act, the Administration is required to submit a formal 30-day notification to Congress. Congress then has the 30 day period to review and disapprove the sale through a joint resolution of disapproval which must be approved by both chambers of Congress.

While previous efforts to restrict arm sales to Saudi Arabia have failed, there is growing concern in Congress over the Saudi-led intervention in Yemen and civilian casualties. Therefore, these concerned members may not be willing to let the sale proceed. Senator Rand Paul (R-Kentucky) believes that Saudi Arabia is an “unreliable ally with a poor human rights record” and as such, should not be the recipient of US arms. Rand says he will work with a bipartisan coalition to force a vote blocking the sale. Senator Christopher Murphy (D-Connecticut) also has deep concerns about the sale. In April 2016, Murphy and Paul introduced legislation (SJRes 32) that would require the President to certify to Congress that Saudi Arabia is demonstrating an ongoing effort to target terrorist groups, minimize harm to civilians and facilitate humanitarian assistance before Congress could consider the sale or transfer of air-to-ground munitions to Saudi Arabia. That resolution is pending before the Senate Foreign Relations Committee. Murphy’s attempt to offer the resolution as an amendment to the FY 2017 Defense bill failed.

Representative Jim McGovern (D-Massachusetts), co-chair of the Tom Lantos Human Rights Commission also opposes the sale believing the sale sends the wrong signal to Saudi Arabia. Representative Ted Lieu (D-California), plans to “closely review” the arms sale to Saudi Arabia to ensure it meets the core objective of contributing to US national security. His main concern is the Saudi military action in Yemen and the killing of civilians with US-made weapons.

On August 17, the *New York Times* [published](#) an editorial opposing the sale “until the carnage in Yemen ends.” The editorial also accused the US of being complicit in the carnage, suggesting the arms sale is a way of mollifying the Saudis following the Iran nuclear deal, a view held by some members of Congress.

Opponents of the sale are a small, vocal minority lacking sufficient votes to block the sale, but there is moral indignation over the allegations that Saudi Arabia is targeting civilians in Yemen. Moral reasoning may not be enough to stop the sale. The tanks being sold are less likely to be used against civilians than cluster bombs, and are therefore not tied to human rights abuses, so the argument goes among supporters of the sale. In any event, the notification went to Congress on



August 8, meaning Congress would have to disapprove the sale by September 8. Since Congress does not return until September, it would have to act immediately to block the sale.

Some, however, will argue that support against the sale (and against Saudi Arabia's war in Yemen) is growing. In June 2016, during consideration of the FY 2017 Defense Appropriations bill, Representative John Conyers (D-Michigan) offered an amendment to ban the sale of cluster bombs to Saudi Arabia. That amendment was defeated on a close vote of 216-204. The attempt to ban cluster bombs was tied to human rights abuses by Saudi Arabia. If opposition to the sale gains momentum, supporters of Saudi Arabia, like Senator John McCain (R-Arizona), who has criticized Representative Murphy's legislation, and Lindsey Graham (R-South Carolina) are sure to mount a spirited fight.

II. Iran

The "Ransom" Payment: The Iran hard-liners in Congress, never to be deterred from their unwavering opposition to the President's Iran policy, have seized on allegations that the US paid a ransom for the return of Americans held in Iran and are demanding answers from the Obama Administration. On Friday, the Obama Administration conceded the \$400 million was used as "leverage" for the release of the hostages, but continues to insist there was no ransom payment. The White House and State Department offered conflicting explanations for the payment to Iran. The White House continues to insist the money was owed as part of an old arms deal, while State Department said it was "leverage" to gain the hostages' release.

Republicans are going to want to hold hearings on the issue when Congress returns to Washington after Labor Day.

Congress has a full agenda when it returns next month. On the domestic front the priority will be combatting the Zika virus, and drafting a continuing resolution before adjourning again in October. However, the President's opponents are not buying the Administration's statement that the funds were part of a trust fund Iran used before the 1979 Revolution to buy US military equipment that was tied up for decades in litigation at The Hague Tribunal. The hardliners will continue to hammer away at the Obama Administration's Iran policy. They do not give up, and will continue their campaign against the President even at the expense of crucial domestic issues and other foreign policy matters that demand attention.

On August 18, Speaker of the House Paul Ryan (R-Wisconsin) released the following statement on the Obama Administration's \$400 million ransom payment to Iran:

"Today, the State Department admitted what we've long suspected—that the president and his administration have been misleading us since January about whether he ransomed the freedom of the Americans unjustly imprisoned in Iran. The president owes the American people a full accounting of his actions and the dangerous precedent he has set."

House Foreign Affairs Committee Chairman Ed Royce (R-California) has jumped on the bandwagon penning an [op-ed](#) in the *Orange County Register* (California). Representative Jason



Chaffetz, (R-Utah) Chairman of the House Oversight and Government Reform Committee, also sent a letter to Kerry asking him to appear at a future committee hearing to discuss the payment.

On the Senate side, on August 22, Senator Roy Blunt (R-Missouri) sent a letter to Secretary of State John Kerry demanding answers on the Administration's \$1.7 billion arms-deal settlement with Iran, of which the \$400 million was said to be the first installment. Blunt also requested quarterly financial records for the FMS sales account at the center of the arms sale dispute. Senators Mark Kirk (R-Illinois), David Perdue (R-Georgia) and Johnny Isakson (R-Georgia) also sent a [letter](#) to Secretary of State John Kerry on August 8 demanding answers about the payment and whether the payment was linked to the release of the American hostages, and whether the US violated sanctions by making the payment. Senators Ted Cruz (R-Texas) and Mike Lee (R-Utah) sent a [letter](#) to Kerry and to Treasury Secretary Jacob Lew and Attorney General Loretta Lynch demanding answers to a series of questions regarding the legality of the payment. Senator Charles Grassley (R-Iowa), Chairman of the Judiciary Committee sent a [letter](#) to Lynch asking the Justice Department to "hand over" details about its involvement in the payment. Senators Kelly Ayotte (R-New Hampshire) and Tom Cotton (R-Arkansas) also are demanding answers to the legality of the payment.

Republican members of Congress expressed "disgust" with the White House over its stonewalling on the details about the payment to Iran. White House spokesman Josh Earnest compared the President's Republican critics to Iranian regime hardliners, further exacerbating tensions between the White House and Congress. So, although Congress has many issues to consider, including domestic issues, crucial in an election year, it appears Congress, once again, will have misplaced its priorities.