



Congressional Update

By Roxanne Perugino
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I. JASTA Update:

The 28 Senators who sent a letter expressing concern over the Justice against Sponsors of Terrorism legislation (JASTA) – after having voted for it – are working to lessen the impact of the legislation. What form that will take remains unclear. There has been discussion of repealing JASTA and introducing new legislation, but Senator Charles “Chuck” Schumer (D-New York), the main sponsor of the JASTA legislation, is strongly opposed to new legislation or to any change in the existing legislation. There also has been discussion of adding a Presidential waiver authority, but according to knowledgeable sources, that discussion is now “off the table.” Therefore, it is unlikely that a legislative fix will occur during the upcoming “lame duck” session but some optimism exists that JASTA can be fixed under a new Congress and a new Administration.

Meanwhile, legal consultations between current State Department officials and representatives of lobbying firms representing the Kingdom of Saudi Arabia are proceeding to promptly identify language conducive to mitigating the damage of the original JASTA provisions.

A JASTA for the Palestinian Authority? It appears that the recent passage of JASTA enacted over the President’s veto has emboldened other terrorism victims to push for similar legislation. According to *Political Influence*, attorneys for Esther Klieman, an American who was killed in a 2002 attack on a public bus in Jerusalem, have fought in court for more than a decade for restitution from the Palestinian Authority. The case lost on jurisdictional grounds. Now, with the passage of JASTA, attorneys for Klieman’s estate are lobbying for new legislation that will help the lawsuit go forward. The new law would address non-governmental entities responsible for the deaths of Americans abroad.

Unlike the JASTA bill, which applies to foreign states responsible for terrorist attacks within the US, the new legislation would address non-governmental entities responsible for the death of Americans abroad. It is not clear whether such legislation would be general, like the JASTA bill, or specifically target the Palestinian Authority.

It is also unclear if the attorneys will begin their lobbying efforts during the upcoming “lame duck” session or wait until the 115th Congress convenes in January 2017. Whenever the target date, it is safe to assume that any one of the PA’s critics will be all too eager to sponsor such a bill which will be added to the numerous anti-Palestinian bills enacted over the years

II. Iran

On October 18, House Foreign Affairs Chairman Ed Royce (R-California) released a statement in response to reports that Iranian-Americans Siamak Namazi and his father Baquer Namazi, who were wrongfully detained by Iran a year ago, have now been convicted and sentenced to 10 years in prison in Iran.

“Once again Iran has made a mockery of its own legal system in convicting wrongfully detained Iranian-Americans. It appears the trials violated every basic international standard carried out in secret with no transparency, no evidence, and no representation. They were a complete and total sham.

“Siamak Namazi and his father Baquer are suffering in jail in Tehran today for one reason and one reason only: because they dared to promote closer US-Iran relations. This unjust conviction should be a grave warning to anyone seeking to do business with Iran.”

III. Iraq

On October 18, HFAC Chairman Royce sent a letter to Iraqi Prime Minister Haider al-Abadi urging the Government of Iraq to dramatically escalate planning for humanitarian relief to meet the needs of Mosul residents, who will be forced from their homes in the battle to liberate Mosul from ISIS. The full text of the letter can be found [here](#).

IV. At the Think Tanks:

WINEP/Muslim Brotherhood: On October 18, the Washington Institute on Near East Policy hosted a discussion with Eric Trager on his new book “Arab Fall: How the Muslim Brotherhood Won and Lost Egypt in 891 Days.” Trager’s book draws from extensive local research and interviews with Mohamed Morsi and other Brotherhood leaders to dissect the traits that helped the group win power as well as its loss of power. Because of its insular nature, the Brotherhood failed to realize that the country was slipping from its grasp, and was completely unprepared for the brutal crackdown following Morsi’s overthrow. Two years after Morsi’s overthrow, the consensus among Egyptians is that the Brotherhood has been “neutralized” and no longer represents a political challenge for the al-Sisi regime.

Terrorist Financing: On October 20, the Johns Hopkins School of Advanced International Studies (SAIS) hosted a discussion titled "Combating Terrorist Financing--Advances and Challenges Fifteen Years After 9/11" with Adam Szubin, Acting Under Secretary for Terrorism and Financial Intelligence at the Treasury.

Szubin's remarks detailed the ways in which the Office of Foreign Assets Control (OFAC) has been able to improve on practices of countering-terrorist financing and provided a general description of the OFAC's role in the process. The two major contributions of OFAC are to work for transparency in the international financial market and to interdict payments that appear to be used for suspicious and illegal activity.

The two major current targets of OFAC are Hezbollah and ISIS, although both have very different sources of revenue and require different approaches. While ISIS controls territory and gains revenue by taxation and oil sales, their territory is not isolated from the larger financial system. Interdiction of banks that do business with ISIS has brought ISIS's financial system to heel. Hezbollah presents unique challenges because of Iranian funding, but they are nonetheless also connected to the financial system. OFAC has exposed evidence that Hezbollah has been involved in drug deals, damaging their reputation.

Szubin emphasized that while interdicting terrorist financing is not as visible a role as other counterterrorism efforts, the work remains substantive and essential. OFAC can never hope to completely cut off a terrorist group's access to funds, but it can force the group to make difficult choices and it can expose its weaknesses. Szubin does not believe that sanctions should be a first resort in all issues. Sanctions work well for the US because the country is at the center of the world's financial system. However, if the US interferes too much in this system for its own interests, alternative routes of finance will be found and the world of terrorism financing will become much more dangerously opaque.

US Strategy for the Middle East: On October 20, the Center for American Progress (CAP) hosted a discussion titled "US Strategy in the Middle East" with General Joseph L. Votel, Commander of US Central Command; Derek Chollet, Senior Advisor at the German Marshall Fund of the United States; Brian Katulis, Senior Fellow at the Center for American Progress; Linda Robinson, Senior International Policy Analyst at the RAND Corp; and Michael Singh, Managing Director at the Washington Institute for Near East Policy (WINEP).

Katulis shared his views about the need for a long-term US Middle East policy. He has written a [Report](#) for CAP, the three main points of which are: (1) The Middle East will remain relevant and reasons for its relevance must be identified; (2) the importance of long-term planning in contrast with the Obama Administration's reactive policies; and (3) the need to build security partnerships, but unlike in General Votel's focus, there should also be social and economic partnerships as well. As part of long-term planning and partnership-building, Katulis emphasized that discussions need to be made with partners about where they see themselves in the future. Direct talks with regional leaders will also include developing better paradigms for fighting violent extremism, including pressure to respect sectarian differences and allow for more political openness as an alternative to extremism. Economically, the US must leverage for the creation of a Middle East Reconstruction bank. The US should also consolidate its security agreements into a stabilization force.

While agreeing with Katulis's assessment, Singh added that the Obama Administration has moved too far in the direction of disengagement. He asserted the US must undertake moderate and constructive engagement through "burden sharing," and avoid "solutionism" in which US policy can singularly solve major problems. Robinson supports continued efforts to advise and better assist operations work, such as the tactical refinement that has helped General Votel leading up to the Mosul operation.

Votel stated that US policy should focus on 1) listening to partners; 2) reinforcing relationship with regional partners that the US depends on; and 3) be responsive to partners' interests by communicating on issues like arms sales. On Iran, he supports the engagement of regional partners such as the Gulf monarchies and Egypt in this process, and emphasized the need to communicate with them about their strategic goals. Chollet was skeptical of the CAP Report, particularly regarding the development of Middle East Reconstruction Bank and stabilization force. He also argued that the US military has been stretched by too many commitments in places beset by regional rivalries, and advocated against a US role in the region.