



## Congressional Update

Week Ending December 15, 2016

By Roxanne Perugino

### I. Congress

The 114<sup>th</sup> Congress has adjourned, although there will be several *pro forma* sessions between now and January 3, when the 115<sup>th</sup> Congress convenes, to prevent recess appointments by the president.

### II. Anti-Semitism Legislation

Controversial legislation titled the **Anti-Semitism Awareness Act of 2016** quietly died at the close of the 114<sup>th</sup> Congress last week. Although the bill passed the Senate, the House ended the 114<sup>th</sup> Congress without taking action on it. (Note: Any un-enacted legislation at the end of the congressional period lapses and must be introduced again in the next Congress.)

On December 1, Senators Bob Casey (D-Pennsylvania), Tim Scott (R-South Carolina), Lindsey Graham (R-South Carolina), and Michael Bennet (D-Colorado) introduced Bill **S10**, the Anti-Semitism Awareness Act of 2016. On the same day, Representatives Peter Roskam (R-Illinois), Ted Deutch (D-Florida), Nita Lowey (D-New York), Ileana Ros-Lehtinen (R-Florida), Eliot Engel (D-New York), Steve Israel (D-New York), Kay Granger (R-Texas), Brad Sherman (D-California), and Grace Meng (D-New York) introduced the House version, **HR6421**.

S10 passed the Senate the same day by unanimous consent and without any hearings or prior consideration. In the House of Representatives, HR6421 was referred to the Judiciary Committee, where it was not considered.

The bill is designed to delegitimize and monitor criticism of Israel on US campuses, including those advocating for the Boycott, Divestment, and Sanctions (BDS) movement, and impinges on the free speech rights of these activists. Critics rightfully claim the legislation has nothing to do with combating anti-Semitism, but rather is a legislative mechanism to quell negative opinions of Israel and to limit speech critical of Israel on college campuses. The American Civil Liberties Union (ACLU) called the bill “unconstitutional” and “unwise.” In addition, the bill potentially could lead to civil rights investigations of individuals and groups who make anti-Israel political statements or engage in anti-Israel activities. The Anti-Defamation League (ADL) led the effort to enact the legislation. Even though the bill has lapsed, it is likely that the ADL will resurrect it in the 115<sup>th</sup> Congress. Interestingly, AIPAC did not list the bill as a legislative priority.

### III. Other Bills and Resolutions

**1. Extend Iran Sanctions Act:** On December 1, the Senate, by a vote of 99-0, passed HR6297, a bill to extend the Iran Sanctions Act (ISA) for ten years, or until 2026. The bill was passed by the House on November 15 by a vote of 419-1. The bill is a straightforward extension of ISA, avoiding controversy and passing by an overwhelming bipartisan vote.

On December 2, the bill was presented to the president for signature into law. In an unexpected reversal, President Obama will not sign the Iran Sanctions Act renewal legislation. By not signing the bill, it will become law anyway. Only a presidential veto would prevent the bill from becoming law. The president's decision not to sign the bill is an apparent move to assuage Iran's concerns that the United States is moving away from the Joint Comprehensive Plan of Action (JCPOA, or the Iran deal).

**2. Continuing Resolution (CR):** At the eleventh hour, Congress passed the Continuing Resolution (HR2028) that will fund the US Government (USG) into April 2017. The previous CR expired on December 9, the day the new CR passed the House and Senate. It passed the House by a vote of 326-96 and the Senate by a vote of 63-36.

Congress has funded the USG through CRs for over a decade, instead of passing the 12 appropriations bills by the new fiscal year beginning on October 1. Critics rightfully charge that CRs are bad governance. CRs are usually done as a short-term fix to avoid a funding lapse, which can (and has) shut down the government. CRs do not provide the flexibility for USG agencies to adjust spending programs, including US foreign assistance programs, because these programs are functioning at a minimum level, i.e., at FY 2016 levels.

**Mattis Nomination:** The CR contains language that would provide for an expedited process for Senate consideration of a bill next year with language that exempts Secretary of Defense-designate James Mattis from the 1947 law that forbids generals to become secretary of defense until seven years after retirement. The law was waived in 1950 to allow Army General George Marshall to become secretary of defense. The law was changed in 2008, reducing from ten to seven the number of years that a nominee must be retired from the military.

**War Funding:** The CR includes more than \$11.6 billion in war funding to combat ISIS and other military and diplomatic efforts. The Overseas Contingency Operations (OCO) provides the Department of Defense with \$5.8 billion and the State Department and USAID with \$4.3 billion. OCO also provides \$1 billion in funding to help countries affected by terrorism and to help populations impacted by ISIS and other terrorist organizations.

### IV. Hearings

**1. Iran:** On December 6, the Senate Foreign Relations Committee (SFRC) held a hearing to examine the widespread destabilizing role of Iranian backed militias in Lebanon, Syria, Iraq, and Yemen. Testimony was received from Matthew McInnis, Resident Fellow, American Enterprise

Institute, and Melissa Dalton, Senior Fellow and Chief of Staff, International Security Program, Center for Strategic and International Studies.

Although Iran's destabilizing force in the region was the hearing's topic, senators expressed deep concerns over the Joint Comprehensive Plan of Action (JCPOA). In his opening statement, SFRC Chairman Bob Corker (R-Tennessee) said that given the escalation of Iranian influence in these countries, his opposition to the JCPOA arose from fear that negotiating with Iran would become the preferred policy over challenging Iran. Senator Ben Cardin (D-Maryland) also did not support the JCPOA because the deal did not cover Iran's proxies or ballistic missile program. Cardin echoed much of Corker's concerns but also emphasized the importance of consistently engaging with regional partners. Cardin nonetheless does not want JCPOA repealed as that would do more harm than good.

**2. Libya:** On November 30, the House Foreign Affairs Subcommittees on the Middle East and North Africa and on Terrorism, Nonproliferation and Trade held a joint hearing to examine the situation in Libya five years after Qadhafi's departure. Testimony was received from Jonathan Winer, Special Envoy for Libya, Bureau of Near Eastern Affairs, Department of State.

Middle East Subcommittee Chairman Ileana Ros-Lehtinen (R-Florida) was quick to criticize the Obama administration for intervening in Libya without strategic planning and an assessment of the results of potential intervention. In particular, Ros-Lehtinen claimed that the Obama administration believed that Libya could be reconstructed after "leading from behind." The most important criticisms directed at the administration centered on whether Libya's reconstruction could have been done differently and if it is even possible for Libya to have a functional democratic government.

Winer assessed that negotiated reunification of Libya is difficult but not impossible. He commended Prime Minister Fayeze al-Sarraj as a reliable partner of the United States ever since the UN-mediated Government of National Accord (GNA) was established. The GNA and other Libyan factions have made significant progress toward defeating ISIS, reducing their holdings in Sirte as well as Benghazi. Despite these achievements, there remains contention between the GNA, which is intended to assume custodianship of the country, and the rival government in Tobruk. So long as differences between power centers in Tobruk and Tripoli remain, it will be difficult to restore institutions like Libya's oil company and central bank to service.

Ultimately, Winer believes the United States must give support to al-Sarraj as he both builds an independent military force and reestablishes basic social services for the country. Despite any earlier misjudgments about Libya's reconstruction, continued American engagement with the Libyans on such issues is mutually beneficial to both countries.