



Congressional Update Week Ending February 17, 2017

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I. US Ambassador-designate David Friedman Testifies before the Senate Foreign Relations Committee

On Thursday, February 16, David Friedman, President Trump's choice to be US Ambassador to Israel, [testified](#) before the [Senate Foreign Relations Committee](#) (SFRC) one day after the official meeting between President Donald Trump and Israeli Prime Minister Benjamin Netanyahu.

Most confirmation hearings tend to be perfunctory with witnesses promising to uphold basic principles such as the best interest of the United States. Thursday's hearing was anything but routine given the controversy over Friedman's nomination. Several times the hearing was interrupted by protestors opposed to Friedman, including the unfurling of the Palestinian flag by a protestor shouting that "Palestinians are there and will always be in Palestine."

Friedman's nomination is opposed by [J Street](#), a liberal pro-Israel organization, [Americans for Peace Now](#), also pro-Israel and affiliated with the Israeli peace movement, as well as some members of Congress and Palestinian and Arab-American groups. On February 15, five former US ambassadors to Israel sent a [letter](#) to the SFRC outlining their concerns about Friedman's positions.

While committee Republicans took a soft approach to Friedman, avoiding provocative questions, ranking member Senator Ben Cardin (D-Maryland), a strong supporter of Israel, and other committee Democrats expressed concerns about Friedman's qualifications for the position. Cardin specifically cited Friedman's support for Israeli settlements, his opposition to the two-state solution, his harsh language against J Street and the Anti-Defamation League, and his criticism of Senator Charles Schumer (D-New York) for his support of the Iran nuclear agreement.

When asked if he believed the two-state solution was a viable option, Friedman said he would be "delighted" to see peace come to a region where both sides have suffered, but that he remains somewhat skeptical of success given the Palestinian refusal to recognize Israel as a Jewish state and their "culture of hate" against Israelis. When pressed by the senators, Friedman said the two-state solution remains the best path to peace. He also told the panel he would not support the annexation of the West Bank to Israel.

In his opening statement, Friedman regretted his use of certain language during the Trump campaign and defended his objection to the Iran nuclear deal, which he saw as a security risk to

Israel and to the United States. He emphasized these are his private opinions, which “...will be left in New York” if he is confirmed as ambassador to Israel. Despite his contrition several Democrats, including Senators Tom Udall (D-New Mexico), Cory Booker (D-New Jersey), Tim Kaine (D-Virginia), and Jeanne Shaheen (D-New Hampshire) are not convinced that Friedman is suitable to a diplomatic post. It should be noted that Udall, Kaine, and Shaheen were endorsed by J Street, which opposes Friedman’s nomination.

Friedman’s responses appeared to have quelled misgivings among some senators about his nomination. That Friedman repeatedly said he regretted some of his earlier intemperate remarks also seemed to have helped him, as well as his admission that the two-state solution remains the best path to peace. However, although Friedman may believe that, US Ambassador to the United Nations Nikki Haley said that while the United States supports the two-state solution, the Trump Administration is “thinking out of the box.”

Prospects for Confirmation

Friedman will need to win the support of at least 11 of the committee’s 21 members in order for his nomination to be sent to the full Senate for confirmation. Despite the controversy swirling around Friedman’s nomination, it is expected that 10 of the 11 committee Republicans will approve the nomination. To date the only Republican whose vote is unknown is Senator Rand Paul (R-Kentucky). It was unclear from Paul’s questioning today whether he will support Friedman. Also not clear is how many of the 10 Democratic committee members will vote for Friedman. In any event, it is expected that Friedman will receive the necessary votes to move the nomination to the full Senate for confirmation. The Senate is not in session during the week of February 20 so Friedman likely will not be confirmed until the week of February 27, when Congress returns from the President’s Day recess.

II. Arms Sale to Bahrain

According to [press reports](#) and congressional sources, the Trump Administration is about to approve a \$3 billion sale of F-16s to Bahrain. The sale had been withheld by the Obama Administration contingent on Bahrain’s human rights progress. Representative Jim McGovern (D-Massachusetts) and Senator Ron Wyden (D-Oregon) introduced legislation in the 114th Congress stating that the US government may not sell or transfer to the government of Bahrain any of the prohibited arms listed in the bill until the Secretary of State certifies that the government of Bahrain has fully implemented all 26 recommendations set forth in the 2011 Bahrain Independent Commission of Inquiry report. The bills died at the end of the 114th Congress. Neither McGovern nor Wyden have reintroduced legislation opposing arms sales to Bahrain.

III. Bills and Resolutions

1. West Bank/Gaza/Palestinians

Assistance to the West Bank and Gaza (HR1164): Introduced on February 16 by Representatives Doug Lamborn (R-Colorado) and Lee Zeldin (R-New York), the bill would condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens. The bill has been referred to the House Foreign Affairs Committee (HFAC). The text of the bill is not yet available.

Palestinians and the International Criminal Court (HRes109): Introduced on February 7 by Representative Jackie Walorski (R-Indiana) with no cosponsors, the non-binding resolution deplores the action of the Palestinian Authority to join the International Criminal Court (ICC) and undertake legal action through the court against Israel. The resolution condemns Palestinian actions related to the ICC as “lawfare,” which it defines as the “abuse of law to achieve political and military means and has as its goals the delegitimization of the sovereignty of democratic states and the obstruction of democracies to fight against and defeat terrorism” and as “a national security danger to all democracies.” The resolutions closed by resolving that the House of Representatives “views lawfare as a threat to United States military activities abroad and those of the United States democratic allies, and believes it is vital to take a stand against its use in order to protect the Nation’s best interests.” The resolution has been referred to the HFAC.

2. Travel Ban

Student Visa Background Checks (HR1129): Introduced on February 16 by Representative Gus Bilirakis (R-FL), the bill would require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States. The bill has been referred to the House Judiciary Committee. The text of the legislation is not yet available.

International Travel by Terrorists (HR1196): Introduced on February 16 by Representative Lee Zeldin (R-New York), the bill would require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, and authorize the suspension of foreign assistance to countries not making significant efforts to comply with such minimum standards. The bill has been referred to the HFAC and the Committee on Homeland Security and the Judiciary. The text of the legislation is not yet available.

Travel Ban (HR1075): Introduced on February 15 by Representative Yvette Clarke (D-New York) and 18 cosponsors, the bill would provide that the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017) shall have no force or effect to prohibit the use of federal funds to enforce the Executive Order. The bill has been referred to the HFAC and the House Committees on the Judiciary, Homeland Security, and Intelligence. The text of the legislation is not yet available.

Travel Ban (S349): Introduced on February 9 by Senators Kamala Harris (D-California), Richard Blumenthal (D-Connecticut), Cory Booker (D-New Jersey), Tom Carper (D-Delaware), Kirsten Gillibrand (D-New York), Ed Markey (D-Massachusetts), and Elizabeth Warren (D-Massachusetts), the bill would clarify the rights of all persons who are held or detained at a port of entry or at any detention facility overseen by US Customs and Border Protection or US Immigration and Customs Enforcement. The bill has been referred to the Senate Judiciary Committee. The text of the legislation is not yet available.

3. Other Bills and Resolutions

Congressional Authorization/US Forces (S409): Introduced on February 16 by Senators Mike Lee (R-Utah) and Rand Paul (R-Kentucky), the bill would provide that the president must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations. The bill has been referred to the SFRC. The text of the legislation is not yet available.

Iranian Use of Commercial Aircraft (S420): Introduced on February 16 by Senators Marco Rubio (R-Florida), John Cornyn (R-Texas), Ben Sasse (R-Nebraska), and David Perdue (R-Georgia), the bill would require the president to report on the use by the government of Iran of commercial aircraft and related services for illicit military or other activities. The bill has been referred to the SFRC. The text of the legislation is not yet available.

War Powers (HJRes75): Introduced on February 15 by Representative Peter DeFazio (D-Oregon), the joint resolution would amend the War Powers Resolution. The resolution has been referred to the HFAC and the House Rules Committee.

Human Trafficking (S377): Introduced on February 14 by Senators Bob Menendez (D-New Jersey), Marco Rubio (R-Florida), Tim Kaine (D-Virginia), and Cory Gardner (R-Colorado), the bill would amend the Trafficking Victims Protection Act to clarify report dates, modify the criteria for determinations of whether countries are meeting the minimum standards for elimination of trafficking, and highlight the importance of concrete actions by countries to eliminate trafficking. The bill has been referred to the SFRC. The text of the legislation is not yet available.

Terrorist Financing (S358): Introduced on February 13 by Senators Bob Casey (D-Pennsylvania), Johnny Isakson (R-Georgia), Marco Rubio (R-Florida), and Elizabeth Warren (D-Massachusetts), the bill would establish a designation for jurisdictions permissive to terrorism financing; build the capacity of partner nations to investigate, prosecute, and hold accountable terrorist financiers; and impose restrictions on foreign financial institutions that provide financial services for terrorist organizations. The bill has been referred to the SFRC. The text of the legislation is not yet available.

Activities in Support of Terrorism (S361): Introduced on February 13 by Senators Ted Cruz (R-Texas), Charles Grassley (R-Iowa), and Mike Lee (R-Utah), the Republican-sponsored bill would amend Section 349 of the Immigration and Nationality Act to deem specific activities in support of terrorism as renunciation of US nationality. The bill has been referred to the Senate Judiciary Committee. The text of the legislation is not yet available.

Joint Committee on Russian Interference in the 2016 Election ([HConRes24](#)): Introduced on February 13 by Representative Jim Langevin (D-Rhode Island), the bill would establish a Joint Committee on Russian Interference in the 2016 Election and the Presidential Transition. The bill has been referred to the House Rules Committee.

IV. Confirmations

On February 13, by a vote of a 53-47, the Senate confirmed the nomination of Steven P. Mnuchin to be Secretary of the Treasury.

On February 9, by a vote of 52-47, the Senate confirmed Tom Price to be Secretary of Health and Human Services.

On February 8, by a vote of 52-47, the Senate confirmed Senator Jeff Sessions (R-Alabama) to be Attorney General, capping off a bitter partisan battle as Democrats tried to block the nomination because of Sessions's earlier purportedly racist views.

V. Political Potpourri

New Senator from Alabama: Alabama's Republican governor wasted no time in appointing a replacement for Senator Jeff Sessions. Luther Strange (R-Alabama) will be Alabama's newest senator. Strange was sworn in on February 9, just hours after Sessions's confirmation as Attorney General. Strange had planned to run for the Senate before his appointment. He will serve out the remainder of Sessions's term, which ends in 2020. However, Strange will have to run in 2018 for election and then again in 2020.

VI. Hearings

Iran on Notice: On February 16, the HFAC held a full hearing called “[Iran on Notice](#).” The committee convened to hear witness testimonies on methods of making good on the former National Security Advisor Michael Flynn and the Trump Administration’s declaration of putting the Islamic Republic of Iran “on notice.” The four witnesses summoned to testify before the committee were diverse in their expertise and experiences, giving congressional members a broad perspective of the challenges presented by Iran. The witnesses included the following: [Scott Modell](#), the managing director of the Rapidan Group and former senior officer in the Central Intelligence Agency; [Katherine Bauer](#), a fellow at the Washington Institute for Near East Policy and a former attaché for the US Treasury; [David Albright](#), a trained physicist and founder of the Institute for Science and International Security; and [Andrew Exum](#), a contributing editor at *The Atlantic* and former Deputy Assistant Secretary of Defense for Middle East Policy.

The hearing was intended to be a venue for exploring the challenges Iran poses to the United States and its interests in the Middle East, but it quickly became a contentious back-and-forth between committee members. On one side, Republican members continually characterized US foreign policy in the region as a failure and assigned blame to the previous administration and their Democratic counterparts for any and all perceived transgressions by Iran (including the very existence of the Joint Comprehensive Plan of Action). Across the aisle, Democratic members spent very little time actually addressing the witnesses on Iran and many used their allotted time to criticize the new administration’s ties and posture towards Russia and demanded hearings to investigate further President Trump’s interests with Russia. On a couple of occasions, the chairman interrupted members (Republican and Democrat, alike) in an attempt to steer the conversation back to the titular topic of the hearing and remind members of the House rules dictating decorum.

Defeating Terrorism in Syria: A New Way Forward: On February 14, the HFAC Subcommittee on Terrorism, Nonproliferation, and Trade held a [hearing](#) focused on the current trends and future expectations for the ongoing fight against terrorism in Syria. In particular, Members of Congress questioned the witnesses on what exactly the United States’ role should be in both the Syrian war and the continuing efforts to reduce the strength and capabilities of extremist non-state actors active in the conflict. The witnesses for the hearing included the [Honorable Frederic Hof](#), the director for the Rafik Hariri Center for the Middle East at the Atlantic Council, [Hassan Hassan](#), a senior fellow at the Tahrir Institute for Middle East Policy and author of *ISIS: Inside the Army of Terror*, and [Melissa Dalton](#), a senior fellow and deputy director of the International Security Program at the Center for Strategic & International Studies.

The hearing was anything but an echo chamber for airing partisan beliefs. On a number of occasions, the witnesses flatly challenged members’ assertions with pragmatic assessments of the situation in Syria. With different areas of expertise, each witness provided a unique perspective on

issues like working with Russia in Syria, challenges to the perception of the United States on the ground in the Middle East, and the prospects for ending the war and rebuilding the country's infrastructure and civil institutions. The one topic on which all the witnesses agreed was that the United States must be “all in” against both ISIL and the Asad regime and must do so in a holistic manner to ensure that the use of terror is stopped and the conditions for radicalization are addressed.

Ambassador Hof directed members to a recent report published by the Atlantic Council's [Middle East Strategy Task Force](#)—chaired by Secretary Madeline Albright and Stephen Hadley, former foreign policy advisor to President George W. Bush—that addresses the perception issues the United States faces in the Middle East.

The Plan to Defeat ISIS: Key Decisions and Considerations: On February 7, the SFRC held a [hearing](#) on current and future plans to combat the Islamic State of Iraq and the Levant (ISIL; also commonly referred to as ISIS or the Islamic State). The purpose of the meeting was to assess US strategy in liberating ISIL strongholds in Syria and Iraq and reducing the organization's clout in the Middle East and worldwide. The hearing was also partly in response to President Trump's [presidential memorandum](#) to the Secretaries of Defense and State, along with a host of other cabinet members and chairpersons, ordering the Secretary of Defense to develop a comprehensive plan to defeat ISIL in 30 days.

Testimony was received from the Honorable James Jeffrey, former ambassador to Iraq and Turkey, and Jeremy Bash, current Managing Director at Beacon Global Strategies LLC and former Chief of Staff for Leon Panetta at the Department of Defense and the Central Intelligence Agency. Mr. Jeffrey and Mr. Bash echoed many of the calls for a more aggressive US presence in combatting ISIL in Raqqa, Syria, but they were equally adamant calling for extra-military approaches to reversing the effects of ISIL's social media strategies. In addition, they vouched for non-military approaches to offsetting ISIL's influence through diplomatic, economic, and social efforts.

VII. At the Think Tanks

The Arab World Upended: Revolution and Its Aftermath in Tunisia and Egypt: On February 14, the Woodrow Wilson Center hosted a discussion on the Arab revolutions, focusing on Tunisia and Egypt, with David Ottaway, Middle East Fellow, Wilson Center and Robin Wright, USIP-Wilson Center Distinguished Fellow. Henri J. Barkey, Director, Middle East Program, moderated the discussion

Nearly six years removed from the “Arab Spring,” post-revolutionary Egypt and Tunisia are in very delicate situations. While liberal democracy has begun to take hold in Tunisia, ineffective governance in both countries has left a simmering discontent that may be waiting to re-manifest

itself. In Tunisia, there has been significant democratic development with freedom of speech, association, and voting rights, but the revolution did not produce a significant economic class power change. Half of the unemployed youth in Tunisia have college degrees and report feeling that they are no better off now than they were before the revolution. Meanwhile, the adoption of IMF-backed reforms by both secularists and Islamist parties, coupled with increasingly autonomous labor movements, is putting significant pressure on working class Tunisians. The consolidation of democratic institutions and new civil society movements will surely prevent a new Ben Ali coming to power, but this young government could find itself soon facing a crisis.

President Sisi's coup over the Muslim Brotherhood following the Egyptian revolution has left the country as a military-led deep state. While Sisi has so far benefitted from what has been dubbed "revolution exhaustion," mounting economic pressures have been gradually creating civil society movements. Sisi's response of mass arrests of dissidents not only eliminates the political discourse that could produce a moderate opposition but also allows prisons to become a coalescing point for more radical ideologies. This policy is untenable in the long term, and Sisi seems aware and anxious of this reality. It appears that without significant change, another Egyptian revolution is only a matter of time.

Trump's Foreign Policy on Palestine and the Middle East: On February 7, The Jerusalem Fund hosted a [discussion](#) titled "Trump's Foreign Policy Positions on Palestine and the Middle East" with Dr. Nathan Brown, Professor of Political Science and International Affairs and Director, Institute for Middle East Studies and Middle East Studies Program, *George Washington University*; Philip J. Crowley, Professor of Practice and Distinguished Fellow at the Institute for Public Diplomacy and Global Communication, *George Washington University*; and **Dr. Shibley Telhami**, Anwar Sadat Professor for Peace and Development, Director of the *University of Maryland* Critical Issues Poll, and nonresident senior fellow at the *Brookings Institution*.

While the panelists described Trump's foreign policy in the region as "belligerent minimalism," they remain hopeful that his administration will not cause any irreversible seismic shifts. Beginning with his demonstrated hostility to international organizations, it is unlikely that a US exit from these institutions will have much impact on Arab countries, as they have been typically weak institutionally. Despite no clear vision, there is also the constant discussion of combating "radical Islamic terrorism," which suggests a heightening of the importance of regional security issues. However, due to his stated aversion to "boots on the ground," Trump's policy is likely to have some continuity with the Obama doctrine. Furthermore, he has working relationships with several Arab heads of state and his tough rhetoric on Iran is likely to reassure the Gulf. While policies like the travel ban are likely to weaken support for future initiatives, the administration's foreign policy objectives do not point to wanting to reshape the Middle East.

As for the Israeli-Palestinian conflict, Trump's comments about moving the American embassy to Jerusalem have many worried that the peace process is in jeopardy. The main area for concern here is that for Trump's largest support bloc, the Evangelicals, Israel is one of the top two most important policy areas. So the question then becomes, how much damage will be done? The first measurement will come from how permissive the administration is with concrete changing of facts on the ground, like construction and settlement building. The second will be to what extent Trump's empowerment of outside groups can cause a paradigm shift, effectively allowing them to "pull the rug out" from mainstream ideas like the two-state solution, and instead opt for more dramatic moves to change previously held ideas. Despite this gloomy scenario, the panelists maintained that it is unlikely that the administration will be able to push any plan into reality. They noted that the biggest shifts to this conflict, and regional dynamics more broadly, has come from outside events (e.g., the Iranian revolution, the Palestinian intifadas, 9/11, etc.) rather than legislative actions or peace plan agendas.