

# Congressional Update: Week Ending May 26, 2017

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It was a busy week in Washington, DC. Here is a quick glance at some of the developments on Capitol Hill and in the city.

**Executive Branch:** President Donald Trump conducted his first trip abroad as president, with stops in Saudi Arabia and Israel. During his visit in Riyadh, President Trump signed an arms deal worth over \$100 billion (see “US-Saudi Arms Deal” below). Additionally, the administration released its first full budget request, also detailed below.

**Legislative Branch:** The two houses of Congress together introduced over 300 public bills and resolutions this week (the relevant ones to the Middle East are detailed below). In addition, the Senate confirmed John J. Sullivan as Deputy Secretary of State by a vote of 94-6. Congress is now on recess for the Memorial Day holiday and will return to session on June 5.

**Judicial Branch:** In a 10-3 decision, the US 4th Circuit Court of Appeals ruled in favor of keeping a freeze on President Trump’s highly controversial executive order on immigration. Attorney General Jeff Sessions indicated this ruling will set the stage for an appeal to the Supreme Court.

## I. President Trump’s Budget Request

This week the White House released its full budget request for FY 2018. The overall proposed spending—\$4.1 trillion—is only slightly less than that President Obama requested in his final budget, but the proposal

has raised eyebrows for its deep cuts across many parts of the federal government. It is important to note that while a president’s budget proposal can give the public considerable insight into the administration’s priorities, it is in no way the final budget. Rather, Congress will take the president’s proposal into consideration, but it can—and likely will—ignore parts of the request and fund agencies and departments as it desires.

President Trump’s budget request sees a significant increase for the Department of Defense and other more modest increases for the Department of Homeland Security and the Department of Veterans Affairs. Aside from those departments, a host of other entities across the federal government would have their budgets slashed under this proposal. The Environmental Protection Agency, Department of State, US Agency for International Development (USAID), Department of Justice, and others would see billions of dollars cut from the current levels.

The budget proposed for the agencies operating in the Middle East and North Africa is extremely narrow in focus. The sum of \$3.1 billion would be maintained to support Israel and another \$5.6 billion would be used by the State Department to address threats posed by ISIL. However, the White House would drastically underfund any program that does not directly address security interests. For example, Trump’s proposal underfunds a program that aids overseas refugees (the Migration and Refugee Assistance account) and

would directly cut food assistance and international development programs as well as diplomatic and peace-building initiatives (e.g., the Food for Peace program and the US Institute for Peace). US fiscal support to the United Nations would also take a hit. Overall, the State Department's base budget and supplemental funding for what is known as "Overseas Contingency Operations" would amount to \$37.6 billion—well below the \$53.1 billion currently allocated for overall foreign aid and diplomacy spending.

It is clear from some early reporting that Democrats, and even a number of Republicans, are opposed to many of the drastic cuts put forth by the White House's proposal. While some agencies may find their budgets slimmed down for FY 2018, Congress is unlikely to legislate similarly drastic cuts to the United States' international development and diplomatic endeavors.

## II. Legislation

### Senate Bills and Resolutions:

*Countering Iran's Destabilizing Activities Act of 2017:* Senate Committee on Foreign Relations (SFRC) Chairman Bob Corker (R-Tennessee) introduced **S. 722** in March, but many members on the committee wanted to wait until the conclusion of the Iranian presidential elections on May 19 to consider the bill. The bill was formally considered by the committee during a markup on May 25, with a host of other measures. While some concerns persist, the bill passed through committee by a vote of 18-3, and

with 50 cosponsors already, it is poised to be passed by the Senate as a whole.

**S. 722**—amended with a substitute manager's amendment—would ultimately provide measures for Congress and the executive branch to sanction Iran and Iranian entities for non-nuclear-related activities. Specifically, the bill would target Iran's ballistic missile program, its support for international terrorism, and its domestic violations of human rights. The provisions set forth, critics argue, will move to unwind the Joint Comprehensive Plan of Action (JCPOA) and are useless because there are already tools in place to sanction Iran for these illicit activities.

Sen. Tom Udall (D-New Mexico) proposed an amendment to substitute the language sanctioning Iran's Quds Force with language that would sanction the entire Islamic Revolutionary Guard Corps (IRGC). The amendment was defeated. Such a move would be unprecedented because in the past, Congress has never sanctioned a branch of a foreign military.

*Syrian War Crimes Accountability Act of 2017:* **S. 905** was introduced by Sen. Ben Cardin (D-Maryland) and by the May 25 markup had 19 cosponsors. This bill is intended to "require a report on, and to authorize technical assistance for, accountability for war crimes, crimes against humanity, and genocide in Syria, and for other purposes." In respect to war crimes and crimes against humanity, this legislation is

very similar to the *Caesar Syria Civilian Protection Act of 2017* that recently passed the House.

The fact that the **S. 905** incorporates a number of the same provisions for addressing war crimes, crimes against humanity, and genocide but neglects provisions for sanctions is bad news for the *Caesar* bill. *The Syrian War Crimes Accountability Act* will likely be more palatable to committee members because it offers many popular provisions for addressing the mass killings in Syria but avoids the controversial sanctions that some feared could be used to target Russia for its support for the Asad regime. Ultimately, the referral of this bill to the Senate floor makes it even more unlikely that Rep. Eliot Engel's (D-New York) *Caesar* bill will be taken up by the SFRC.

The legislation was ordered reported favorably by the SFRC, as amended, and will move to the Senate floor for consideration.

*Expressing the Sense of the Senate on Humanitarian Crises in Nigeria, Somalia, South Sudan, and Yemen: S. Res. 114*—introduced by Sen. Todd Young (R-Indiana) and supported by five others—would provide the sense of the Senate on the current humanitarian crises unfolding in Nigeria, Somalia, South Sudan, and Yemen. The resolution states that “in [US] national security interests” the United States should lead international diplomatic efforts in these countries to address the obstacles affecting the local people.

For Somalia, according to the author, the United States would have urged the president to send the secretary of state or another high level representative to the United Kingdom's Ministerial Conference on Somalia and to publicly announce a contribution to humanitarian assistance there. This declaration would spur more donations that could support over half the Somali population in need of humanitarian aid. As for Yemen—with 60 percent of its population in need of similar assistance—the Senate would call on President Trump to urgently engage with stakeholders in an attempt to persuade parties to the conflict in Yemen to allow humanitarian groups increased access to Red Sea ports to provide aid.

The measure was approved by the SFRC as amended and will now head to the full body for consideration.

*Commemorating the 50th Anniversary of the Reunification of Jerusalem:* On May 24, Senate majority leader Mitch McConnell (R-Kentucky) introduced bipartisan **S. Res. 176** (including seven cosponsors) that would commemorate the anniversary of the “Six Day War and the reunification of the city of Jerusalem.”

In addition to commemorating the anniversary, this resolution would reaffirm the Senate's support for the US-Israeli relationship and commend Egypt and Jordan for moving away from their adversarial stance and pursuing peace with Israel, and it calls on President Trump to abide by the *Jerusalem Embassy Act of 1995*. It should also be noted that the resolution

would reaffirm the longstanding US policy that the final status of Jerusalem should be resolved between the Israelis and Palestinians in pursuit of a two-state solution.

### **House of Representatives Bills and Resolutions:**

*Condemning the Violence Against Peaceful Protesters Outside the Turkish Ambassador's Residence:* **H. Res. 354** was introduced to the House by Rep. Ed Royce (R-California, with three cosponsors) on May 24 and was considered during the House Foreign Affairs Committee (HFAC) markup on May 25. In addition to condemning the violence that took place, the resolution calls for the members of Turkish President Erdoğan's security detail to be brought to justice for their roles and for steps to be taken to prevent future incidents of this nature. This resolution was one of five measures considered and approved en bloc by voice vote. It will be reported favorably to the House, and Chairman Royce will seek House consideration under suspended rules (requiring 2/3 support to pass). It should be noted that the Sen. Ed Markey (D-Massachusetts) introduced a nearly identical resolution on May 25 in the Senate.

*Calling for the Global Repeal of Blasphemy, Heresy, and Apostasy Laws:* **H. Res. 349** was introduced to the House on May 22 by Rep. Jamie Raskin (D-Maryland, with three cosponsors) and was referred to the HFAC for consideration. This bill was introduced in 2015—with bipartisan cosponsors—but failed to be enacted. While this is simply a resolution and would not be an enforceable statute, it

would urge the president and secretary of state to make the repeal of blasphemy, heresy, and apostasy laws a priority in bilateral relations. This resolution appears to be a message to nations in the Middle East and North Africa, as 70 percent of countries in that region have apostasy statutes, while blasphemy laws are on the books in 90 percent of the countries, according to a study published by the Pew Research Center in 2016.

While there is also bipartisan support for the introduction of this resolution, it is too soon to tell if the majority of the House will support enacting the measure.

*Reauthorize the United States-Jordan Defense Cooperation Act of 2015:* On May 24, Rep. Ileana Ros-Lehtinen (R-Florida) and four cosponsors introduced **H.R. 2646**, which would move to reauthorize the United States-Jordan Defense Cooperation Act of 2015. That act authorized the US government to support the Jordanian government—financially and militarily—in settling and providing for Syrian refugees, fighting ISIL, and securing Jordan's borders. The bill was referred to the HFAC.

*To impose sanctions with respect to foreign support for Palestinian terrorism:* On May 24, Rep. Brian Mast (R-Florida), Chairman Royce, and eight cosponsors introduced **H.R. 2712**, which would provide Congress and the president the authority to sanction individuals or governments that support Palestinian terrorism—namely, Hamas. During a conference on May 22 on Qatar and the Muslim

Brotherhood's Global Affiliates, Chairman Royce indicated that Congress is seeking tools to levy penalties against Qatar for what he said was Qatar's "clear support [for] and financing of terror."

We will have to wait and see how the Trump Administration views such a move after the novelty of his address in Riyadh wears off. Until then, this bill will move on to the House Financial Services Committee before making its way to Chairman Royce and the HFAC.

*Urging the European Union to designate [Hezbollah] in its entirety as a terrorist organization:* On May 25, Rep. Ted Deutch (D-Florida) introduced **H. Res. 359** urging the EU to designate Hezbollah a terrorist organization and place further judicial and economic pressure on its members. The resolution had eight cosponsors and heads to the HFAC for consideration.

### III. Authorization for the Use of Military Force

The question on Congressional and Executive war powers arose again this week. Two pieces of legislation were introduced to the Senate in order to address the president's authority to expand US military involvement abroad in the fight against terrorism. The first piece of legislation was introduced on May 24 by Sen. Mike Lee (R-Utah) and it garnered the support of five cosponsors. Lee described the bill as one that "[clarifies] that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the

detention without charge or trial of a citizen or lawful permanent resident of the United States."

The second piece of legislation was introduced on May 25 by Senators Jeff Flake (R-Arizona) and Tim Kaine (D-Virginia). **S. J. Res. 43**—which, if agreed upon by both houses, becomes law with the president's signature—intends to repeal previous authorizations for use of military force (AUMFs) and authorize force against "al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria, and associated persons or forces, that are engaged in hostilities against the United States, the Armed Forces, or its other personnel." This bill includes a sunset provision—simply a designation for the end of such authority—after five years. The absence of a sunset provision proved to be the sticking point for the Obama administration when Congress previously tried to pass an AUMF. The debate about an AUMF is sure to pick up, but the current administration has shown interest in receiving congressional approval for the use of the military in its anti-terror campaign.

### IV. US-Saudi Arms Deal

As was mentioned previously, President Trump signed a multibillion dollar arms deal with the Saudi government this past week. However, not all in Congress are in favor of such a move. In fact, previous congressional disapproval helped persuade the Obama administration to scuttle the same deal. Now, members of both houses of Congress have introduced legislation that

would force a vote on up to \$500 million of the proposed deal. Reps. Justin Amash (R-Michigan) and Mark Pocan (D-Wisconsin), along with four cosponsors, introduced **H. J. Res. 102** and Rep. Ted Lieu (D-California) introduced **H. J. Res. 104** (with five cosponsors).

In the Senate, Rand Paul (R-Kentucky) and Chris Murphy (D-Connecticut) introduced **S. J. Res. 42** which garnered the support of only one other member (Democratic Sen. Al Franken of Minnesota). All of these joint resolutions, if they were passed and not vetoed, could bar a

number of the provisions in the arms deal. The worries from these members of Congress and others is that the munitions provided will be used indiscriminately in the Saudis' campaign in Yemen and that, through proxy, this will amount to the United States conducting a war in the Middle East. It is uncertain if many members will support such a blatant attempt to end the deal. Even if the resolution makes it through both houses, it is uncertain that Congress could garner 2/3 support to override a likely Trump veto.

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