

# Congressional Update: Week Ending June 9, 2017

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## I. Congress

The House of Representatives and Senate returned to session this week after the Memorial Day recess. Members reconvened to face an extremely busy week. Both chambers held a number of hearings, considered numerous pieces of legislation, and the GOP continued working to accomplish parts of its legislative agenda. Congress faces another busy week as committees continue budget hearings, conduct the first FY 2018 budget markup, and wrestle with health care legislation.

**Former FBI Director James Comey:** On June 8 the Senate Select Committee on Intelligence held the highly anticipated hearing on the Federal Bureau of Investigation's (FBI) probe into Russian election interference. Director Comey—whose firing set Washington ablaze last month—issued his testimony and answered questions on a host of issues surrounding the investigation and his interactions with President Donald Trump. Democrats and Republicans alike wanted to question Director Comey about press reports that have flooded the media since his termination. Democrats wanted confirmation that President Trump tried to obstruct the FBI's investigation while most Republicans saw Comey's testimony as an opportunity to clear the president of wrongdoing and put to rest suspicion of Trump-Russia collusion.

Each side likely found fodder for its political narrative in Director Comey's testimony, but many questions are left unanswered. Comey

declined to answer numerous questions in public about classified material or matters related to the FBI's ongoing investigation. Additionally, the former director noted on multiple occasions that he is no longer privy to detailed information and that the special prosecutor Robert Mueller will serve as a source of information about the investigations into Russian meddling.

Overshadowed by the former director's testimony is that President Trump nominated former Assistant Attorney General Christopher Wray to head the FBI. Wray—a former Justice Department official under George W. Bush—is considered a mainstream choice for the position. He will garner plenty of support and, with Democrats' preconditions met, his nomination may move a little more smoothly.

### 1) Hearings

Although Director Comey's testimony was the most anticipated and publicized hearing on Capitol Hill this week, committees in both chambers held multiple hearings to discuss pressing policy issues.

**FISA Legislation:** On June 7, the Senate Select Committee on Intelligence held a hearing to question some of the United States' top intelligence officials on the necessity of the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008. The committee called on Director of National Intelligence (DNI) Dan Coats, National Security Agency (NSA) Director Admiral Michael Rogers, Deputy

Attorney General Rod Rosenstein, and Acting FBI Director Andrew McCabe as witnesses, and DNI Coats provided testimony on behalf of the quartet.

The FISA Amendments Act—particularly Title VII, Section 702—sets forth the parameters for international electronic surveillance on non-US citizens. The blanket surveillance powers the legislation authorizes the NSA has been controversial and, because it must be renewed every five years, members of Congress have started an early discussion of the subject.

Director Coats outlined the numerous benefits and limitations of the surveillance program authorized under Section 702 of FISA and provided numerous examples of the value—and the legal validity—of the FISA amendment. He further stressed how important the program is to the intelligence community (IC) and, in an effort to quell fears of the program's misuse, stated that since enactment of the law, there have been zero instances of intentional violations of the law. Director Coats concluded—as did every other witness before the committee—that FISA should be reauthorized permanently and that without it, the IC would be ill-equipped to produce the vital intelligence that US security depends on.

As the hearing neared its conclusion, Senator Tom Cotton (R-Arkansas) reserved his time to discuss his recent proposed legislation regarding the FISA reauthorization. **S. 1297** would permanently reauthorize the FISA Amendments Act of 2008 and expand the NSA's

authority under the law. As of now, if the NSA has a foreign individual under surveillance and he or she relocates to the United States, the NSA can no longer collect information on that individual. Instead, the NSA must report the suspect to the FBI—which has domestic jurisdiction—and it must then pursue FISA authorization under a different section and different procedures. Sen. Cotton finds this inefficient and argued the NSA should be free to continue its surveillance domestically in order to minimize the chances of losing the individual or missing important intelligence. His legislation would allow such authority. He stated that his legislation has support from the White House, as well as the departments and agencies represented in the hearing.

*Attacking Hezbollah's Financial Network: Policy Options:* On June 8, the House Committee on Foreign Affairs (HFAC) convened to hear testimony about the most effective means available for Congress to combat the Lebanese terrorist group Hezbollah. The panel of witnesses for the hearing included Dr. Matthew Levitt, Washington Institute for Near East Policy; Dr. David Asher, Foundation for Defense of Democracies; Derek Maltz, Pen-Link, Ltd.; and Dr. Mara Karlin, Johns Hopkins University.

The panelists were in agreement on their diagnoses of the trouble presented by Hezbollah. They pointed out that Hezbollah has advanced significantly in technical abilities as well as resources and acquisition of weaponry since it last fought with Israel. They also

detailed Hezbollah’s financing network as a “transnational criminal enterprise,” pointing to its involvement in drug trafficking, smuggling, and other illicit activities globally. Chairman Ed Royce (R-California) indicated that Congress intends to introduce legislation to further pressure the Lebanese group and the panel generally agreed that was a valid effort. They cautioned, though, that the legislation must be effective in expanding the powers of US agencies to combat the Hezbollah financial network, addressing Hezbollah’s link to Iran and preventing Iran from contributing financial support, and suffocating Hezbollah without harming the overall Lebanese economy and banking sector.

***Beyond Iraq and Syria: ISIS’ Global Reach:***

Also on June 8, the Senate Foreign Relations Committee (SFRC) held a hearing to assess what policy changes the United States should consider in order to combat the evolving threat ISIS (aka, ISIL) poses in the wake of its defeat in Iraq and Syria. The witnesses for this testimony were Dr. Lorenzo Vidino of the George Washington University’s Program on Extremism and Dr. Daniel Byman, Senior Fellow at the Brookings Institution.

The two experts presented similar predictions for what to expect from ISIL as US-led coalition forces squeeze the group in its former strongholds. The witnesses predicted

foreign fighters would begin to flee Iraq and Syria and return to their homelands or disperse throughout the region. Additionally, they warned that threats of attack were not as

high from those returned fighters, but more dangerous are those individuals who are directed by “virtual planners”—individuals ordering attacks through social media—and those who simply sympathize with the movement. Both of the witnesses also agreed that the threat posed to the United States, domestically, is rather slim. Instead, it is US interests and allies in the Middle East that are most at risk for attack as ISIL becomes more decentralized.

As for policy prescriptions, the experts pinpointed a few. As an overall battle of the ideology underpinning ISIL, the witnesses suggested the United States both focus on working on productive counterterrorism (CT) programs with allies in the Middle East and trying to exploit the internal divisions within radical movements (e.g., al-Qaeda vs. ISIL). Further, the two witnesses agreed that the United States must institutionalize CT. That includes strict and responsible oversight by Congress on tactics used to combat terrorists and building public resilience against terrorism and the fear it elicits.

## II. Legislation

- 1) **The House of Representatives** introduced, considered, or passed the following legislation this week:

***Condemning the Violence Against Peaceful Protesters Outside the Turkish Ambassador’s Residence on May 16, 2017:*** On June 6, House members agreed to **H. Res. 354**, as amended.

Along with condemning the violent clash between protesters and Turkish security forces, the resolution displays the sense of the House that the perpetrators should be held accountable for their actions and measures should be taken to prevent similar incidents moving forward. The nonbinding resolution was considered under suspended rules—needing 2/3 of House members to vote in favor—and was adopted with a vote of 397/0.

***Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017:*** On June 6, House members voted to pass **H.R. 390**. This bill, if passed by the Senate, would allow the Department of State and the United States Agency for International Development (USAID) to identify at-risk communities in Iraq and Syria and provide financial and technical assistance to entities that can undertake activities to address war crimes, crimes of genocide, and crimes against humanity. Additionally, the bill directs the State Department and USAID to identify entities that are able to deliver relief and humanitarian aid to those communities affected by the aforementioned crimes and provide the appropriate financial and/or technical assistance to those entities. The bill was also considered under suspended rules, as amended, and was agreed to by voice vote. It was reported to the Senate, read before the chamber, and referred to the SFRC.

***Annual Adjustment of the Number of Admissible Refugees:*** On June 8, House Republicans introduced **H.R. 2826**, allowing for an annual review and adjustment of how many refugees

can enter the United States. There has been little discussion of this bill, but it will likely appeal to members who take a hard line on immigration and those wary of admitting refugees from the Middle East. The bill has been referred to the Committee on the Judiciary.

***Assess the Effects on the Qualitative Military Edge of Israel:*** On June 8, Rep. Bradley Schneider (D-Illinois) introduced **H.R. 2833**, which would direct the president to review any potential military sales or exports to countries in the Middle East for their effect on Israel's military standing in the region. Concerns have been raised by Israeli officials that the potential sale of \$110 billion of arms to Saudi Arabia could have a negative impact on the Israel Defense Forces' tactical edge. The bill was referred to the HFAC.

***Provide for Nonpreemption of Measures to Divest from Entities that Engage in Sanctions Targeting Israel:*** Also on June 8, a bipartisan group of representatives introduced **H.R. 2856**, which would establish nonpreemption of measures of local and state governments choosing to divest from entities that participate in the Boycott, Divestment, and Sanctions (BDS) targeting Israel. Preemption of measures applies to the relationship between federal, state, and local legislation; normally, federal law preempts—or takes priority—over the latter two. Should this bill pass, it would afford state and local governments the ability to adopt more stringent or punitive legislation targeting entities engaging in BDS than prescribed by federal law. Essentially, this bill would prevent Congress from adopting any measures to prevent state and local governments from divesting from entities

involved in boycotting Israeli companies. It has been referred to the Committee on Financial Services.

2) **The Senate** introduced, considered, or passed the following legislation this week:

*Commemorating the 50<sup>th</sup> Anniversary of the Reunification of Jerusalem:* On June 5, the Senate agreed to **S. Res. 176**, without amendment and with a preamble, by a Yea/Nay vote tallying 90/0. This resolution reaffirms Congress's commitment to Israel and the US-Israel relationship, commends Egypt and Jordan for sustaining their respective peace treaties with Israel, and calls on the president to move the US Embassy to Jerusalem to abide by provisions set forth in the *Jerusalem Embassy Act of 1995*.

*Countering Iran's Destabilizing Activities Act of 2017:* On June 7, the Senate moved to invoke cloture and proceed to further consideration of **S. 722**. Cloture is a procedural move, requiring 2/3 of Senators' approval, to limit debate. Once invoked, debate is limited to 30 hours before legislation must be voted upon. Cloture was invoked by a Yea/Nay vote with a count of 91/9.

Earlier in the week, Democrats received assurances from SFRC Chairman Bob Corker (R-Tennessee) that an amendment would be entertained for this bill which would add sanctions on Russia for its interference in the 2016 presidential elections. As of now, it is uncertain what that amendment would look like. Sens. Ben Cardin (D-Maryland) and John McCain (R-Arizona) introduced legislation in January that

would sanction Russia. Additionally, Mike Crapo (R-Idaho) and Sherrod Brown (D-Ohio)—chairman and ranking members of the Banking Committee, respectively—have said they intend to have legislation ready for the floor debate.

Legislation is likely to be introduced during the final hours of debate, but it is uncertain what legislation Majority Leader Mitch McConnell (R-Kentucky) will allow. He can use a procedural maneuver known as “filling the tree” to limit amendments being considered to the current legislation, effectively reducing what can be included regarding Russia sanctions language.

*A Resolution Condemning Recent Terrorist Attacks:* On June 8, Chairman Corker introduced **S. Res. 188** to demonstrate the Senate's condemnation of recent attacks across the globe, including Egypt, Iraq, and Iran. The measure was adopted, as amended, through unanimous consent.

*S.J. Res. 42:* It was discussed in a previous *Congressional Update* that Senator Rand Paul (R-Kentucky) had introduced legislation that would force a vote on portions of the reported agreement between President Trump and the government of Saudi Arabia. The obscure tool Paul utilized allows any senator to vote on an arms deal, but the vote must wait 10 days after introduction of the resolution. The 10-day mark was June 8, but Sen. McConnell pulled the legislation from the floor as reports of dissent among senators grew. The vote has been pushed to next week and members of the GOP leadership will use the extra time to whip up votes and

ensure the arms deal is allowed to progress, as agreed upon.

### III. Around the District

*Fifty Years Since 1967: What Have We Learned about Arab-Israeli Peacemaking?* Many of the events in Washington this week were dedicated to discussing the 50 years since the June 1967 war between Israel and its Arab neighbors. One such event was held on June 5 by the Wilson Center. The panelists for this discussion included Ziad Asali of the American Task Force on Palestine, Hussein Ibish of the Arab Gulf States Institute in Washington, Lucy Kurtzer-Ellenbogen of the Israeli-Palestinian Conflict Program, and Natan Sachs of the Brookings Institution.

The panelists outlined the reasons that negotiations have continued to fail over the past half century and explored viable solutions for moving forward. The panelists agreed on the point that final status discussions were never viable options due to power discrepancy between the Israeli state and the Palestinian leadership. Instead, the experts suggested that the two sides focus on developing the Palestinian economy and cultivating stronger institutions that can provide a more equitable way of life. The panelists also recognized that the international community, as well as regional and local actors, must be fully prepared to back a negotiation process that would both end the occupation of Palestine and assure security for Israel. To this point, the experts stressed that the aforementioned, bottom-up confidence-building measures are important, they are all but worthless without a

defined US policy. To find a solution, the United States must exhibit a serious and consistent policy that transcends the four- to eight-year cycle during which any administration is in power. Additionally, Kurtzer-Ellenbogen argued that when a US administration pursues strategies with which Palestinian and/or Israeli officials are uncomfortable, the sides should “weather the storm” and wait until a new US executive is elected.

*Syria: Are There Any Steps Forward?* On June 6, the Council on Foreign Relations brought together three panelists to discuss potential ways forward from the current state of the Syrian conflict. The panel included Mona Yacoubian, formerly of USAID; Kimberly Kagan, the Institute for the Study of War; and Paul Pillar, Georgetown University. The conversation was framed around two major questions: what is happening in Syria right now, and what can the United States do about it? The panelists agreed that the Syrian war is a complicated collection of smaller conflicts that pose a grave threat to US security and have no end in sight. As for possible US solutions to the conflict, Kagan and Yacoubian offered small, incremental, and more realistic goals. They urged the United States to ensure de-escalation in areas where possible, assist in providing humanitarian aid, and regain leverage to push for a political settlement. Pillar, on the other hand, was more pessimistic. He argued there is very little the United States can do to dictate the outcome of this conflict nor should it have any interest in who controls Damascus. Rather, the United States should engage in

regional diplomacy and prevent spillover to neighboring countries.

***Global Peace Index 2017:*** On June 7, the Center for Strategic and International Studies held an event to discuss the recent launch of the 11<sup>th</sup> annual Global Peace Index. This report explores the levels of peace in 163 countries around the globe and compiles empirical data to determine levels of “negative peace” (i.e., the absence of violence) and “positive peace” (i.e., the presence of attitudes and institutions that preempt conflict). The report is very detailed and some interesting findings stand out. First, the total economic cost of violence worldwide is \$14.3

trillion. Additionally, the United States fell 11 spots between 2016 and 2017, resting at 114 out of the 163 countries surveyed. Finally, the Middle East was ranked the least peaceful region. Sarah Lee Whitson, a Middle East and North Africa expert from Human Rights Watch, argued that the last place ranking is indicative of two things: that the level of conflict in the region is an open rebuke to the freedom agenda that marked the “Arab Spring,” and that naming the region the least peaceful masks the involvement that international actors—like the United States—have in promulgating conflict.

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