

# Congressional Update: Week Ending June 23, 2017

Marcus Montgomery

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## I. Congress

Middle East foreign affairs made up only a small fraction of the agenda on Capitol Hill this week. Instead, the National Defense Authorization Act (NDAA) for fiscal year 2018 consumed House Armed Service subcommittees while other appropriations hearings were held by committees on both sides of the Capitol. Additionally, the intelligence committees for both the House and Senate continued investigating the events surrounding Russia's interference in the US elections. As for the Senate, the body undertook the monumental task of crafting a palatable health care bill, which was unveiled on June 22.

**NDAA FY 2018:** The six subcommittees that make up the House Committee on Armed Services undertook markups of the proposed defense budget for 2018 (**H.R. 2810**). All six subcommittees passed bills on June 22, setting aside funds for military related activities in the Departments of Defense and Energy. The figures laid out in the six bills indicate that House members are poised to authorize an even greater amount of funding than the roughly \$600 billion President Trump proposed. The full committee markup is scheduled for June 28, 2017.

***Investigations into Russian Interference in US Elections:*** The House and Senate Select Committees on Intelligence held separate hearings this week to investigate Russian interference in the 2016 presidential elections. The House summoned former Secretary of Homeland Security, Jeh Johnson, to testify while its Senate counterpart held a broader two-panel session with several cybersecurity experts and representatives of state election committees. While the committee hearings exposed little information that would cause consternation, multiple reports this week could prove problematic for the Trump Administration. First, two current officials – Director of National Intelligence Dan Coats and National Security Agency Director Admiral Mike Rogers – testified at the investigation of Special Prosecutor Robert Mueller that President Trump had, as reported, asked them to publicly refute the narrative that his campaign “colluded” with Russian actors to influence the 2016 election. Second, a recent investigation discovered that hackers were able to successfully alter and steal voter registration records during the last election, although the report cannot definitively say if the hackers were linked to Russia. House and Senate Intelligence Committees hope to investigate whether the Trump campaign came into the possession of any of these records prior to the election.

## II. Hearings and Legislation

### House of Representatives

*Expressing Support for Addressing the Arab-Israeli Conflict:* On June 20, Rep. Alcee Hastings (D-Florida) introduced **H.Res. 393**, expressing the body's support for resolving the Arab-Israeli conflict and commending those Arab states that have already improved bilateral relations with Israel. Further, this resolution reaffirms the United States' commitment to reaching a peace agreement between Israelis and Palestinians through a two-state solution. The resolution was referred to the House Foreign Affairs Committee (HFAC).

*Women, Peace, and Security Act of 2017:* On June 21, the House considered **H.R. 2484** under suspended rules (requiring two-thirds support to pass) and agreed to adopt the bill after a voice vote. This legislation highlights the representatives' sense that women should be empowered, worldwide, to help prevent or resolve violent conflict. Congress found that women in volatile zones of conflict often serve the community well by helping to mitigate the effects of conflict and this legislation requires the Departments of Defense and State to develop programs that can train and support women in peace negotiations and conflict prevention around the globe. Earlier this year, the Senate proposed a similar bill (**S. 1141**) that successfully passed the Senate Foreign Relations Committee (SFRC) and was to be voted on by the full body. Because the House version passed before, it was referred to the Senate and placed directly on the general calendar on June 21, replacing the Senate's version. This bill will likely pass and be adopted into law.

*Iran-Russia Sanctions Legislation:* Sanctions legislation targeting Iran and Russia (**S. 722**, "Countering Iran's Destabilizing Activities Act of 2017") hit a procedural hurdle in the House this week. According to sources, House Ways and Means Committee Chairman Kevin Brady (R-Texas) flagged the Senate bill as a "blue-slip" violation. "Blue-slip" violations refer to a violation of the clause in the Constitution that stipulates all revenue-increasing legislation must originate in the House of Representatives. The House parliamentarian agreed with the chairman.

Democrats find the "blue-slip" violation rhetoric to be hollow and are convinced House Republicans are simply trying to water down the legislation at the White House's urging. Multiple White House officials, including Secretary of State Rex Tillerson, have gone on record warning Congress not to impede the president's ability to operate flexibly with the Russians. In order to kill the legislation, Republicans reportedly plan to alter the language of the bill to add extremely stringent sanctions on Iran—so stringent, in fact, that Democrats would not support the bill for fear of undermining the Joint Comprehensive Plan of Action (JCPOA, or the Iran nuclear deal).

SFRC Chairman Bob Corker (R-Tennessee) is reportedly looking to resolve the question by issuing a quick fix in the Senate – a task that would require unanimous consent among the senators. Reportedly, Corker has support from Rep. Kevin Brady and HFAC Chairman Ed Royce (R-California) about adjusting the legislation. However, Senators Rand Paul (R-Kentucky) and Bernie Sanders (I-Vermont) voted against the first draft and it is uncertain if they would allow the quick fix Corker envisions to be adopted. It is unclear how quickly the Senate could get the bill fixed or the appropriate House committees could consider the bill, but further debate will likely stretch into July.

***Grading the Egyptian and Tunisian Enterprise Funds:*** On June 21, the House Foreign Affairs Subcommittee on the Middle East and North Africa gathered to explore the progress of the US enterprise funds established to assist the development of Egypt and Tunisia. In order to gauge the funds' success, the subcommittee called the chairs of each fund to testify. The Honorable James Harmon chairs the Egyptian-American Enterprise Fund (EAEF) while W. Bowman Cutter leads the Tunisian American Enterprise Fund (TAEF). Although the two funds have operated only since 2013, Chairwoman Ileana Ros-Lehtinen (R-Florida) and Ranking Member Ted Deutch (D-Florida) saw it fit to exercise oversight and inquire about the funds' progress.

The purpose of the EAEF and TAEF is to develop the private sectors in the two countries' struggling economies and ultimately drive economic growth. Contrary to traditional development aid, enterprise funds are founded as private sector institutions tasked with investing in other private sector entities, while also making a profit. This is a unique form of assistance that finds support on both sides of the aisle. The chairs of each fund elaborated on their shared missions and discussed the progress they have made to this point. Both faced similar problems in the struggling economies of Egypt and Tunisia, but have made significant investments in markets that may turn out to be sustainable. In Egypt, Harmon predicts that the investments made through the fund will have a large impact on unemployment and financial inclusion, not just in Cairo but also around the country. In Tunisia, real gains have been achieved in the small and medium markets – including young startup and entrepreneur businesses – that make up nearly 99 percent of the country's gross domestic product (GDP).

While the two chairmen have faced significant challenges in their respective efforts, they agreed that, thus far, the funds have had positive impacts on the communities and economies in which they operate. Additionally, Harmon and Cutter expressed their belief that these funds are legitimate tools in the fight to prevent conflict and terrorism in fragile nations. It should be noted that Rep. Ros-Lehtinen has, on multiple occasions, proposed starting an enterprise fund for Jordan.

## Senate

*Reviewing Congressional Authorizations for the Use of Military Force:* On June 20, the SFRC met to explore authorizations for the use of military force (AUMF). Although the legislative and executive branches have a long held dispute over war powers, many members of Congress feel compelled to exert authority at a time when the US military is active in multiple countries. The last two AUMFs were adopted in 2001 and 2002 in response to the September 11 attacks and in preparation for the invasion of Iraq, respectively. Over the last 15 years, every president has depended on these authorizations to justify military force against groups like al-Qaeda, the Taliban, the Islamic State, al-Shabab, and others. Many members of Congress find this to be a gross stretch of the original intent of the authorizations. To address this issue, the committee called upon the Honorable John B. Bellinger III, who previously served as a legal advisor to the National Security Council and State Department, and the Honorable Kathleen H. Hicks of the Center for Strategic and International Studies.

The two witnesses agreed in almost every capacity about the need for a new AUMF. Both urged Congress to adopt an AUMF that explicitly names the non-state actors that are eligible to be targeted with force and to provide quick, efficient methods for Congress to be consulted should the president need to expand a military campaign. Both also agreed there was no need to include a geographic limitation dictating where the military could operate because that is already enshrined in various international laws. The two witnesses did diverge, however, on the need to include a “sunset” clause, which would terminate the authority after a period of time unless explicitly reauthorized by Congress. Bellinger finds that sunset provisions, from a former executive branch lawyer’s perspective, are burdensome. Hicks, on the other hand, believes such provisions are necessary to maintain effective civilian oversight.

Finally, the two experts agreed that the recent AUMF legislation proposed by committee members Tim Kaine (D-Virginia) and Jeff Flake (R-Arizona) was a good starting point for Congress to pursue an effective authorization. The fact that Chairman Bob Corker (R-Tennessee) arranged this hearing indicates that the issue is gaining momentum, at least among SFRC members. There are serious concerns from members who do not want to hamper the president’s ability to conduct warfare, but many others feel as though it is time to implement congressional oversight. The SFRC formally requested that the White House provide a rationale for its legal authority for recent military actions in Syria, highlighting the growing concern about authorizing the president’s military authority.

### III. Around the District

***The Origins and Evolution of ISIS in Libya:*** On June 20, the Atlantic Council hosted a panel discussion to consider a recently released report of the same title. The panelists included the report's authors, Jason Pack and Rhiannon Smith, both of Eye on ISIS in Libya, as well as Dr. Christopher Chivvis of the RAND International Security and Defense Policy Center. The report details potential solutions to the jihadist threats in Libya.

The experts explained how critical the ISIS affiliate in Libya is to the global influence of the organization. Without defeating ISIS in Libya, they argued, the United States and its allies will never truly defeat ISIS. To accomplish such a feat, the panelists outlined the need for the United States and the broader international community to simultaneously employ counterterrorism measures and develop state and local institutions. The lack of centralized governance in Libya is a major contributor to ISIS's ability to grow, the panel discovered, and long-term development and state building are necessary to strip the group of these ungoverned safe havens.

***Washington's Role and Interests in the GCC Crisis:*** On June 20, the Arab Gulf States Institute hosted a discussion about what role the United States will play in the ongoing Gulf Cooperation Council (GCC) crisis and what is the best approach for the United States to take to maintain its historically strong alliances with the member states. The panel consisted of David Des Roches, Senior Military Fellow at the Near East South Asia Center for Security Studies; Ellen Laipson, Distinguished Fellow and President Emeritus of the Stimson Center; Hamad Althunayyan, PhD Candidate at the University of Maryland College Park; and Ali Vaez, Senior Iran Analyst for the International Crisis Group.

Members of the panel considered regional stability and security to be top US priorities and that the Trump Administration should urge GCC members to find a resolution that maintains the status quo. For the United States, that would ensure uninterrupted use of key military positions in the Gulf. Further, the panelists agreed that the United States must embrace its leadership position and enhance stability in the region through neutral mediation.

***Securing Stability in the Middle East and North Africa:*** On June 21, the Hudson Institute held a discussion with Nick Westcott, who is managing director of the European Union's (EU) European External Action Service's Middle East and North Africa portfolio. Westcott illustrated the numerous instances where US and EU interests converge, including finding a solution to the conflicts in Syria, Libya, and Yemen; defeating the Islamic State; and ending the current GCC crisis.

The EU's main goal in the Middle East and North Africa is to promote democratic rule, free market economies, and open societies in hope of fostering stability and security across the region. To do this,

EU member states look to promote enterprise, prevent the rise and spread of new conflicts, and ultimately find solutions to existing conflicts. The European Union is capable of accomplishing some of these objectives, but Westcott argued that cooperation with the United States was key for alleviating the instability in the region, which directly affects Europe.

*Iraqi Kurdistan at the Crossroads: A Report on Civil Society:* On June 21, the National Endowment for Democracy held a discussion about Iraqi Kurdistan in light of the autonomous government's recent decision to hold a referendum on independence. Journalist Nawaf Haskan reported about his experience with Kurdish civil society organizations (CSOs) and Sherizaan Minwalla, Practitioner-in-Residence at American University, joined to discuss civil society and its impact on human and women's rights.

Haskan detailed the many successes CSOs have delivered in Iraqi Kurdistan as well as some of the more daunting challenges. With over 2,800 different CSOs operating in the region, the Kurdish community receives vital goods and services locally and is developing into an even more independent entity. While this is helpful for development, Haskan urged CSOs to address disenfranchisement in the community and foster more trust and open dialogue with the Iraqi government.

Minwalla added that CSOs are useful vehicles for mobilizing support for women's issues that have long gone unaddressed in the conservative Kurdish community. When the government fails to act, CSOs are there to advocate on behalf of women in the community, initiate dialogue, and ultimately push for policy solutions to specific problems

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