

# Congressional Update: Week Ending May 05, 2017

ACW Research & Analysis Unit

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## I. Syria

### House Foreign Affairs Approves Syria

**Legislation:** On May 3, the House Foreign Affairs Committee (HFAC) approved *HR1677*, the Caesar Civilian Protection Act, by a voice vote, after approving a substitute amendment offered by Representative Eliot Engel (D-NY), the sponsor of the bill.

*HR1677* is a revised version of the earlier Caesar bill, *HR5732*, which passed the House in November 2016 but died at the end of the 114<sup>th</sup> Congress due to opposition from the Obama Administration. See November 17 ACW Congressional Update here for background on *HR5732*.

The new legislation outlines additional sanctions to be imposed against the Syrian government and any country or company that does business with the Asad regime. The bill also would impose sanctions with respect to the Central Bank of Syria and foreign persons who engage in certain transactions or provide arms to the Asad regime.

HFAC Chair Ed Royce (R-California) intends to bring the bill to the House floor under the Suspension Calendar. Passage by the full House is expected. The bill would then be referred to the Senate, where prospects for passage are unknown at this time. The Trump Administration has not indicated support for or opposition to the bill. It should be noted, however, that Senate Foreign Relations Committee (SFRC) Chair Bob Corker (R-Tennessee) announced the SFRC would not consider a Russian sanctions bill, so there may

be some reluctance to consider Engel's bill which, if enacted into law, could also impose sanctions on Russia and Iran.

While markups are generally uneventful, things got quite heated during Wednesday's markup. Representative Dana Rohrabacher (R-California) drew the ire of a few members when, in objection to *HR1677*, he made a comment about the United States applying a double standard to Syrian President Bashar al-Asad when US allies similarly attack their own citizens. He also described Asad as defending Syria's Christians against attacks by ISIS and other extremist groups. Chairman Ed Royce (R-California) and Representatives Ted Deutch (D-Florida), Adam Kinzinger (R-Illinois), and other members on both sides of the aisle were quick to denounce Rohrabacher's statement and opposition to the bill.

## II. Saudi Arabia/Yemen

**Congressional Letter Regarding Saudi Arabia/Yemen:** On Tuesday, May 2, Representatives Marc Pocan (D-Wisconsin) and Justin Amash (R-Michigan) sent a letter to Secretary of Defense James Mattis insisting that any US support for an offensive on the Houthis in Yemen must be authorized by Congress. The letter called on Secretary Mattis to brief Congress at his "earliest opportunity" before the United States approves, or assists military action by Saudi Arabia, in Yemen. The letter went on to say that if the Trump Administration does not respond to Pocan's repeated inquiries into the nature of US engagement in a

potentially catastrophic Saudi attack on the Yemeni port city of Hodeida, Pocan and others are committed to pursuing legislation to explicitly prohibit US involvement in any such assault. In April, Representative Pocan and 53 bipartisan House members sent a letter to President Trump asking for the legal justification the administration is claiming for escalating US involvement in Saudi Arabia's war in Yemen. To date no response has been received.

In addition to Pocan and Amash, other members signing the letter were Representatives Ted Lieu (D-California), Barbara Lee (D-California), John Conyers (D-Michigan), Jim McGovern (D-Massachusetts), Tulsi Gabbard (D-Hawaii), Bonnie Watson Coleman (D-New Jersey), Peter DeFazio (D-Oregon), Debbie Dingell (D-Michigan), Darren Soto (D-Florida), Colleen Hanabusa (D-Hawaii), Zoe Lofgren (D-California), Peter Welch (D-Vermont), Pramila Jayapal (D-Washington), and Karen Bass (D-California). A copy of the letter is here.

### III. Congress Passes Omnibus Continuing Resolution

On Thursday, the Senate, by a vote of 79-18, passed the \$1.07 trillion FY 2017 Omnibus Appropriation bill (*HR244*), which will fund the US Government through September 30, 2017. The House passed the measure on Wednesday by a vote of 309-118. The president is expected to sign the bill into law by Friday, May 5, when the current short-term CR expires.

The bill provides \$57.4 billion in funding for the State Department and foreign assistance. The bill contains none of the cuts sought by President Trump, who wanted its final passage delayed until he had an opportunity to weigh in on funding priorities. Israel will continue to receive the largest amount of military assistance, which includes an increase of \$75 million—to approximately \$3.2 billion annually. Jordan will receive a total of \$1.3 billion in economic and military assistance.

### IV. Legislation of Interest

*Korea Interdiction and Modernization of Sanctions Act (HR1644)*: On May 4, the HFAC approved legislation that would expand sanctions to deter North Korea's nuclear weapons program. In addition, the legislation would require the Trump Administration to determine whether North Korea is a state sponsor of terrorism. HFAC Chairman Royce wants to bring the bill to the House floor before the Memorial Day recess.

*Threats to Freedom of the Press (SRes150)*: Introduced on May 3 by Senators Bob Casey (D-Pennsylvania), Marco Rubio (R-Florida), and Ron Wyden (D-Oregon), the resolution recognizes threats to freedom of the press and expression around the world, and reaffirms freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance. The resolution has been referred to the SFRC.

## V. At the Think Tanks

*“Is It Time for Congress to Pass an ISIS-Specific AUMF?”* On May 1, the Heritage Foundation held a discussion with Senator Todd Young (R-Indiana) about authorizing the use of military force (AUMF) for the fight against the Islamic State (IS). Following the brief discussion, moderator Cully Stimson welcomed Stephen Preston—who held multiple high profile counsel positions under the Obama Administration—and Pulitzer Prize winning journalist Charlie Savage for a follow-up conversation about Senator Young’s proposed AUMF and other issues related to the use of military force against IS.

Senator Young introduced *SJRes31* (with no cosponsors) on March 2, 2017 and it is currently pending before the SFRC. The language of the resolution “authorizes the president to use all necessary and appropriate force against al-Qaeda, the Taliban, the Islamic State of Iraq and Syria, and all successor organizations and associated forces.” Young said that he hoped to satisfy what he believes are three main reasons for Congress to authorize the use of force. First, issuing an AUMF sends a clear signal of support to members of the US armed forces. Second, Congress has a constitutional responsibility to be involved in a decision to use military force abroad. Finally, he is skeptical that either the AUMF issued in 2001 (authorizing the invasion of Afghanistan) or in 2002 (authorizing the

invasion of Iraq) is applicable to the current campaign against IS. To satisfy all of his points, *SJRes31* also authorizes the detention of IS fighters and requires the president to submit to Congress a comprehensive strategy for combatting the Islamic State.

The panelists then weighed in on Senator Young’s proposal. Preston largely agreed with the senator that Congress should act to fulfill its constitutional responsibility—although he disagreed that the previous AUMFs do not apply to the current fight. Savage, on the other hand, argued against Young’s justification for proposing a new AUMF, saying that under Young’s criteria, a new AUMF would seem like simply a ceremonial power for Congress since President Obama and now President Trump have used military force without an updated authorization. At the conclusion of both talks, Stimson asked about the “appetite” in Congress for passing a new AUMF. The three speakers all agreed that there are calls for an AUMF and that more members may be more vocal about passing such legislation. However, they conceded that there are pragmatic concerns for opponents who do not want to limit the president’s abilities to act quickly and decisively. Ultimately, the three agreed that the conditions seem to be right for Congress to adopt a new, precise AUMF.

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