

# Congressional Update: Week Ending June 30, 2017

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## I. Congress

Capitol Hill was very busy again this week in the run-up to the July 4 recess. In the House of Representatives, there were several markups on budget items, including a full committee markup of the National Defense Authorization Act for fiscal year 2018 (NDAA FY 2018). As for the Senate, the Armed Services Committee held a markup on its own NDAA FY 2018 legislation. The news of the week, however, was made when Senate Majority Leader Mitch McConnell (R-Kentucky) punted on his party's repeal legislation of the Affordable Care Act (a.k.a., Obamacare). Now, GOP senators must return home to face potentially furious constituents, only complicating the already daunting task of passing the controversial legislation prior to the August recess.

### Hearings

*Advancing US Interests at the United Nations.* On June 28, the House Foreign Affairs Committee (HFAC) held a hearing on advancing the interests of the United States at the United Nations. The committee hosted the Honorable Nikki Haley, US Ambassador to the United Nations.

The hearing focused on a few key issues that the committee and ambassador believe are important to the current administration. Reducing what Ambassador Haley described as the body's unfair focus on Israel, reforming peacekeeping missions in areas where abuses are rampant, and reforming the United Nations Human Rights Council (UNHRC) to allow the body to deliberate more fairly were all discussed as key efforts in the ambassador's short stint. She assured the committee that President Donald Trump's significant proposed budget cuts for the United Nations do not harm the nation's interests, but instead provide her with leverage to further US interests at the international body. She argued that a prospective decrease in funding sends a message to the United Nations that the United States will not soften its convictions against the "bad actors" sitting on the UNHRC, the failing peacekeeping missions in some areas, and what Ambassador Haley called one of the United Nations' "most dangerous habits: obsessively bashing Israel." She informed the committee that the United States has "once again found [its] voice at the UN." She concluded that, in her five months as ambassador, the "international community is very clear what the US is for, and what the US is against."

*The FISA Amendments Act.* On June 27, the Senate Committee on the Judiciary held a two-part hearing to further discuss the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 ahead of reauthorization efforts. The amendments adopted in 2008, and again in 2012, are due to expire at the end of 2017 unless explicitly reauthorized by Congress. This hearing was another opportunity for lawmakers to weigh the benefits of this valuable tool against the potential costs to privacy and civil liberties. Committee members heard from two different panels, totaling eight expert witnesses. The

first panel included Stuart Evans, Deputy Assistant Attorney General for Intelligence at the Department of Justice; Carl Ghattas, Executive Assistant Director for National Security with the Federal Bureau of Investigation (FBI); Bradley Brooker, Acting General Counsel for the Office of the Director of National Intelligence (ODNI); and Paul Morris, Deputy General Counsel for Operations at the National Security Agency (NSA). The second panel was comprised of the Honorable Matthew Olsen, former Director of the National Counterterrorism Center; Adam Klein, senior fellow at the Center for a New American Security; Elizabeth Goitein, co-director of the Brennan Center for Justice's Liberty & National Security Program; and the Honorable Elisebeth Collins, board member of the Privacy and Civil Liberties Oversight Board.

## Legislation

*Condemning Persecution of Christians around the World.* On June 26, Representative Glenn Grothman (R-Wisconsin) introduced **H. Res. 407** that would express the representatives' condemnation of the persecution of Christians around the globe. The language of the resolution explicitly mentions the Middle East, explaining that the region is home to the majority of persecuted victims. The bill was referred to the HFAC.

*Recognizing the Muslim Holy Month of Ramadan.* On June 27, Representative Debbie Dingell (D-Michigan) proposed **H. Res. 416** to commemorate Ramadan and wish Muslims in the United States a joyous Eid. Dingell represents Dearborn, Michigan, which has the greatest proportion of Arabs or Arab-Americans in the country, many of whom are Muslim. The resolution was also referred to the HFAC. Should this resolution be adopted, it may help alleviate some of the betrayal felt by the Muslim-American community after the Trump Administration twice refused to hold customary Ramadan celebrations.

*FY 2018 Department of Defense Appropriations.* On June 29, the House Committee on Appropriations passed a spending bill for the Defense Department that would provide funding for operations, readiness activities, and general programs for soldiers and their families. What is most notable about this piece of legislation, however, is the amendment offered by Representative Barbara Lee (D-California) and subsequently adopted by the rest of the committee by voice vote. The Lee amendment, should it become law, will terminate the 2001 Authorization for the Use of Military Force (AUMF) that was adopted shortly after the September 11 attacks. With only one dissenting vote on the committee, it appeared the amendment had considerable support in the House. However, shortly after the amendment was adopted it received a cooler reception from House leadership. It is uncertain whether the amendment will remain in the bill once it is considered before the entire House.

***Recognizing US-Israel Economic Relationship.*** On June 29, the House Foreign Affairs Subcommittee on the Middle East and North Africa agreed to refer **H. Res. 218**, as amended, to the HFAC for consideration. The resolution recognizes the economic relationship shared by the United States and Israel and encourages the two countries to find new areas of cooperation.

***Urging the European Union to Designate Hezbollah a Terrorist Organization.*** On June 29, the subcommittee referred another resolution to the full committee. This resolution—**H. Res. 359**—urges the European Union (EU) to designate Hezbollah, in its entirety, a terrorist group. Currently, the EU differentiates between the military and political wings of the group.

***US-Jordan Defense Cooperation Extension Act.*** The Middle East and North Africa subcommittee agreed to refer **H.R. 2646** to the full committee. This legislation would call for the governments of the two countries to negotiate a new Memorandum of Understanding (MOU) to provide the Jordanian military enhanced equipment and weaponry. In addition, the legislation provides for the establishment of an enterprise fund—similar to those operating in Egypt and Tunisia—to help grow Jordan’s sluggish economy and boost employment rates through private sector investments.

***Issa Amro.*** This week, 34 members of Congress sent Secretary of State Rex Tillerson two different letters urging him to press Israel to drop a case against the Palestinian activist, Issa Amro. Amro, a nonviolent community activist hailing from the occupied city of Hebron, has been charged with 18 crimes going back to 2010. The congressional signatories—all Democrats—argue that the charges are “farcical” and implore the secretary to urgently call on Israeli officials to drop charges against the activist.

## **II. White House**

The White House marketed this week as “Energy Week”—focusing on the United States’ role and leadership in energy markets—only to be outdone by the faltering Obamacare repeal legislation, further coverage of Russian election meddling, and controversies from Trump’s Twitter feed. However, President Trump and his team were able to tout some measures this week.

***National Security.*** On June 26, the Supreme Court of the United States issued a ruling allowing portions of President Trump’s executive order denying entry to citizens of six Muslim-majority nations to take effect. Additionally, the high court agreed to hear merits of the case when the bench reconvenes this fall. Although it is a win for the Trump Administration, plenty of questions remain, particularly regarding the language of the court’s ruling and logistics of actually implementing the president’s executive order. To complicate things further, the state of Hawaii—which previously litigated the

immigration order – requested a federal judge rule on Trump’s current stance on the Supreme Court’s decision.

Further action was taken by the Trump Administration in an attempt, officials say, to shore up US security. There was speculation that the Department of Homeland Security (DHS) would expand a large electronics ban (e.g., laptops) to flights originating from countries other than the 10 Middle East nations currently observing the order. However, on June 28, DHS Secretary John Kelly announced the United States would implement new security measures – without specifying what those measures entail – for all international flights bound for the United States, instead of expanding the laptop ban.

***Nominations.*** This week, President Trump began chipping away at the number of unfilled positions in different departments and agencies, nominating dozens for vacant posts. Most notably, Trump formally nominated Christopher Wray to lead the FBI and tapped John Desrocher to serve as US Ambassador to Algeria.

### **III. Iran**

It seems as though Iran was the talk of the town in foreign policy circles this week. In addition to several pieces of legislation considered on Capitol Hill, the Center for New American Security (CNAS) discussed the Islamic Republic in multiple sessions of its annual conference. Below is a summary of the legislation and discussion that addressed Iran.

First, CNAS held a panel during its conference to discuss crafting a US strategy toward Iran. The panel included former Republican Senator Kelly Ayotte of New Hampshire, Senator Chris Murphy (D-Connecticut), Liz Rosenberg of CNAS, and J. Matthew McInnis of the American Enterprise Institute. The panelists discussed the Joint Comprehensive Plan of Action (JCPOA), Iran’s destabilizing behavior in the Gulf and the broader Middle East, the country’s role in the Gulf Cooperation Council (GCC) conflict, and more. While the panelists disagreed on many issues, they all agreed that the JCPOA should be upheld by the Trump Administration and incorporated into a larger, more nuanced strategy to counter Iran’s growing influence.

When considering the root of Iran’s destabilizing activities in the region, Senator Murphy and Mr. McInnis took more analytical approaches. Both illustrated how Iran is motivated by threat perceptions and by its entrenched interests in the region. For example, arming Saudi Arabia, as the United States has planned to do, is a grave threat to the Iranian regime, thus it will look to subvert the Saudi power in unconventional ways. Additionally, having pro-Iran groups in Lebanon and Syria is a core interest

for the Iranians; to think the regime would not sacrifice everything to maintain those groups' power is naïve and very likely a path to inadvertent conflict with Iran.

Later in the conference, CNAS hosted National Security Advisor H.R. McMaster for a keynote address on national security threats facing the United States. McMaster spent much of his time detailing Iran's threat to US interests in the region; this is indicative of Donald Trump's hyper-focus on the Islamic Republic. McMaster's assessment of Iran was similar to the previous panel: Iran subverts governments in the region in order to sow chaos and broaden its influence. In order to counter this behavior, McMaster argued the United States should utilize nonmilitary means to isolate the country (e.g., sanctions and multilateral actions) and the US intelligence community must do a better job at gathering intelligence on the secretive nation.

In Congress, this week the Senate and House introduced or considered legislation targeting Iran. On June 27, the House introduced **H.R. 3078**, which would require the United States to implement sanctions for every ballistic missile test Iran employed. Further, on June 29, the House Foreign Affairs Subcommittee on the Middle East and North Africa considered and passed, en bloc and by voice vote, three resolutions against the Islamic Republic. **H. Res. 185** and **H. Res. 317** address the imprisonment of US citizens and legal resident aliens in Iran. The former resolution expressly mentions the case of Robert Levinson, who has become the longest held US civilian in the nation's history. The final measure that was referred to the full committee was **H. Res. 274**. This resolution condemns the systematic, government sanctioned persecution of the Baha'i minority in Iran.

Additionally, before members of Congress left Washington for the week-long recess, Representative Jeff Duncan (R-South Carolina) proposed **H.R. 3118**, which is intended to prevent Iran and Hezbollah further access into the Western Hemisphere. US intelligence and law enforcement agencies have long been wary of Iran and Hezbollah's activities in Latin America. With a sizable Shiite Muslim minority spread throughout South America, many fear Iran will try to strengthen ties to the region to keep revenue and resources flowing to Hezbollah. The bill was referred to the Foreign Affairs, Judiciary, and Financial Services Committees. With the latter committee being included, it is likely that sanctions of some sort are involved, as this committee has jurisdiction over sanctions.

Finally, the Senate agreed, by unanimous consent, to correct some technical matters in the Iran Sanctions legislation, **S. 722**. After it overwhelmingly passed the Senate, the bill was flagged in the House for a "blue slip" violation, meaning it violated the clause of the Constitution that mandates all spending bills must originate in the House. While the issue appears fixed, many supporters of the legislation fear it was just one of many potential efforts to water down or effectively kill the legislation at the behest of the White House. The bill was amended in the Senate to include sanctions for Russia

due to its meddling in the 2016 election and the White House has shown a dispassionate response to the language. The bill now heads back to the House where it has an uncertain future.

#### IV. Around the District

*Jerusalem: Is There a Solution? And Are Israelis and Palestinians Ready for One?* On June 26, the Wilson Center hosted an event to discuss the role and fate of the city of Jerusalem in the Israel-Palestine conflict. In order to assess the facts on the ground in Jerusalem, possible futures for the city, and its role in negotiating peace between the two sides, the Wilson Center enlisted the expertise of four experts on the topics. CNAS's own Aaron Miller moderated the discussion and was joined by Arthur Hughes, former deputy chief of mission to the US Embassy in Israel; Ghaith al-Omari of the Washington Institute for Near East Policy; and Danny Seidemann, an Israeli attorney specializing in the geopolitics of modern Jerusalem.

Panel members were nearly unanimous in their assessments of the situation in Jerusalem. While the two-state solution is still an attractive scenario for the city, they agreed, the current political climate is not hospitable for seeing such an agreement come to fruition. The major factor in any decision regarding Jerusalem is sovereignty – not just sovereignty in the physical sense, but also in terms of religious and historical attachment to the city. The experts argued it would be impossible for either side to willingly cede physical control of the city and relinquish religious and historical claims to the land. To complicate matters, Arab sovereignty of at least East Jerusalem is of interest to the rest of the Arab world, which wants unfettered access to Islam's third most important city. With all this in mind, the panelists concluded that Jerusalem is a critical bargaining chip in the broader peace negotiations and the time simply is not right to try to craft any meaningful solutions.

*After the ISIS Flag Falls: The Future of Mosul and Iraq.* On June 27, The Heritage Foundation held an event to discuss a post-Islamic State Iraq. Multiple panelists joined the event to discuss the topic, including Representative Adam Kinzinger (R-Illinois); Nancy Lindborg of the United States Institute of Peace (USIP); James Phillips, research fellow for The Heritage Foundation; Sarhang Hamasaeed, director of Middle East Programs for USIP; and Colonel Michael Kershaw, former US Army commander of forces stationed at Mahmoudiya, Iraq.

The liberation of occupied areas and destruction of ISIL will not end the crisis facing Iraq, the experts agreed. The panelists agreed that the United States should invest in "soft power" resources, such as education for the youth, and introduce a peace-focused approach to conflict resolution in order to help mend a divided Iraq. Nongovernmental and semigovernmental organizations, such as USIP, provide a useful framework for helping conflicting groups reach lasting peace together. Additionally, NGOs

are imperative to the future of Iraq because they host negotiations and assist in reforming tribal law, helping to prevent future violence and retaliation. The speakers and panelists concluded that greater utilization of peaceful means to end political and religious divides, as well as strong economic development in newly liberated areas, are the most sustainable solutions for unifying a sectarian Iraq.

*The Power of the President to Shape US Relations in the Middle East and North Africa.* On June 29, the Brookings Institution held a panel discussion to assess how much power the president truly has in shaping US relations with the Middle East and North Africa. The panel included Adel Abdel Ghafar, visiting fellow from Brookings Doha Center; John Hudak, deputy director of the Center for Effective Public Management; and Shibley Telhami, nonresident fellow at the Brookings Institution's Center for Middle East Policy.

Telhami argued that the more the president tries to secure independence from the national security structure, the more vulnerable he will be to manipulation by foreign powers. The panelists agreed that there must be a differentiation between the president's personal priorities and the country's national security priorities. If a president's personal beliefs are not conceptually tied to a national security priority, the resulting policy is much more likely to fail or the president risks being manipulated by his foreign counterparts. Further, foreign leaders will attempt to play into the domestic priorities of a president to gain favor and drive policy. The panelists concluded that a divided United States cannot rally around certain issues and this will only serve to further disrupt the new administration's foreign policy agenda. Hudak suggested that the Qatar crisis is simply a test from Saudi Arabia and the United Arab Emirates to see how far the new US administration can be pushed.

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