

## In Congress, a long battle over Trump's Iran and Saudi policies looms

Bryan Bowman

June 28, 2019

In mid-December, with the U.S. Senate poised to make history by passing a War Powers Resolution directing the removal of American forces from the war in Yemen, five House Democrats broke party ranks and joined a majority of Republicans to effectively kill the bill for the remainder of the year's session.

In a maneuver that was condemned even by some members of his own party, then Speaker of the House Paul Ryan snuck a provision “de-privileging” the Yemen resolution into a popular farm bill, forcing members to choose between delaying the bill's passage or killing the War Powers measure.

One of the five Democrats who chose the latter was Charles “Dutch” Ruppertsberger, who faced significant backlash from constituents and advocacy organizations like Just Foreign Policy, a progressive group that played a leading role in organizing grassroots support for the Yemen resolution.

“Activists came out of the woodwork and constituents were threatening to primary him,” Hassan El-Tayyab, co-director of Just Foreign Policy, told The Defense Post. “People were just hammering that office over that vote, sending them pictures of starving Yemeni children.”

Those efforts appear to have been effective. In late May, Ruppertsberger successfully added an amendment to the House's defense appropriations bill for Fiscal Year 2020 that's nearly identical to the resolution he helped to stall six months earlier.

Ruppertsberger's sponsorship of the amendment is evidence of the growing strength of a peculiar bipartisan alliance between progressive Democrats and libertarian-leaning conservatives which has played a central part in recent efforts from Congress to reassert its role in making U.S. foreign policy.

The amendment is also just one of a host of proposals submitted to the appropriations bill and the accompanying National Defense Authorization Act that challenge President Donald Trump's foreign policy – particularly his repeated threats to go to war with Iran, his close relationship with Saudi Arabia, and his support for the kingdom's campaign in Yemen.

Then Iraqi Prime Minister Haider al-Abadi, King Salman bin Abdulaziz Al Saud and then US Secretary of State Rex Tillerson participate in the Saudi Arabia-Iraq Coordination Committee Meeting in Riyadh, Saudi Arabia, on October 22, 2017. Image: US State Department

Progressives and libertarians tend to share a non-interventionist approach to foreign policy. El-Tayyab said his conservative counterparts are “natural allies,” while John Glaser, the director of foreign policy studies at the libertarian Cato Institute, told The Defense Post that his organization has been “trying to encourage such an alliance for a long time.”

The activists, academics, and lawmakers who make up this unwritten partnership have already made a significant impact on policy in recent months.

Congress ultimately passed the Yemen resolution in April, and although Trump ultimately vetoed it, the measure marked the first time Congress had evoked the War Powers Act in an effort to end American involvement in a war.

The resolution passed in large part because advocacy groups like Just Foreign Policy, Win Without War, and the Yemen Peace Project, along with progressive lawmakers like Representative Ro Khanna and Senators Bernie Sanders and Chris Murphy, were able to convince the Democratic Party’s more moderate leadership to back it.

Even still, the resolution could not have made it through the Senate if not for the support of Republicans like Rand Paul, Todd Young, and Mike Lee, who was an original co-sponsor.

Now, with what could be a months-long fight over the amendments in NDAA and the appropriations bill beginning, the degree to which this alliance can influence Congress to assert its foreign policy powers is set to be tested once more.

### **Handcuffing Trump on Iran**

Among the most high-profile amendments being offered to the NDAA are several measures which seek to block the Trump administration from leading the U.S. into a war with Iran without Congressional authorization.

The proposals come after Trump said he called off a military strike last week just 10 minutes before they it set to begin, following Iran’s downing of an American drone it said violated its airspace. U.S. Central Command maintains that the drone was flying above international waters.

In May, Secretary of State Mike Pompeo told Congress during a classified briefing that the administration believes it does not need Congressional approval to conduct military operations against Iran.

Pompeo cited the 2001 Authorization for Use of Military Force, which grants the president authorization to conduct military operations against al-Qaeda and “associated forces.” Experts say that the administration’s claims that Iran has sufficient links to al-Qaeda to justify a war under the AUMF are highly dubious, and House Speaker Nancy Pelosi and a number of 2020 Democratic presidential candidates have publicly voiced disagreement.

Nonetheless, some lawmakers are hoping to leave no room for debate by specifically demanding Congressional authorization in language in the NDAA. On Friday, June 28, the Senate is expected to vote on a bipartisan amendment which would cut off funding for any military operations against Iran not approved by Congress after the bill's passage.

Democratic Senator Tom Udall is the sponsor of the amendment and fellow Democrats Tim Kaine, Jeff Merkley, Chris Murphy, Dick Durbin, and Republican Rand Paul are original co-sponsors. Though the Senate passed its version of the NDAA on Thursday, the Udall amendment could be added to the bill retroactively if its proponents win Friday's vote.

Earlier this week, Senate Majority Leader Mitch McConnell vowed to block a vote on the amendment, but received pushback from Paul and several Democrats who threatened to hold up the bill unless the amendment was granted a vote.

The NDAA and the appropriations bill are considered to be "must-pass" bills because the Department of Defense cannot operate without them after the end of December. The appropriations bill allocates funding to the military – projected to be about \$750 billion this year – while the NDAA dictates what the money can be used for.

On Wednesday, McConnell struck a deal with Senate Minority Leader Chuck Schumer to allow a vote on the Udall amendment. But because it would have to be retroactively added to the bill, the amendment will need to be approved by 60 Senators instead of a 51-vote simple majority.

El-Tayyab said winning 60 votes will be difficult, but he's pleased the Senate will take on what he called a "historic vote," adding that Just Foreign Policy and other advocacy groups are lobbying the offices of several Republican senators they hope can be convinced to back the amendment.

But even if the Udall amendment is not passed on Friday, the fight will not end there. On Tuesday, Khanna and Republican Congressman Matt Gaetz proposed a similar amendment which Khanna said he expects to pass in the Democratic-controlled House.

Their version takes the AUMF issue head on: "Nothing in the [AUMF] ... or any other provision of law enacted before the date of the enactment of this Act may be construed to provide authorization for the use of military force against Iran."

If the Khanna amendment does make its way into the final version of the House NDAA, the Senate could be forced to vote on it as part of the reconciliation process.

Further, Democratic Rep. Barbara Lee, who in 2001 was the only member of Congress to vote against the AUMF, successfully added a full repeal of the AUMF itself into the House appropriations bill last week, marking the first time either chamber of Congress has voted to repeal the measure since its enactment. If that amendment were to become law, the AUMF would become moot eight months after the bill is passed.

**Stopping support for Saudi Arabia and its Yemen coalition**

In addition to Roppersberger's amendment, several others aim to cut off military support to Saudi Arabia and its war in Yemen. The U.S. has played a significant role in supporting the coalition, which intervened in 2015 in an effort to oust Houthi rebels from power and restore the country's previous government. That support includes weapons transfers, intelligence and logistical support, equipment maintenance, and until November, direct aerial refueling of coalition war planes flying in Yemeni airspace.

Tens of thousands of Yemeni children have died from disease and malnutrition during the conflict and the coalition's bombing campaign has been condemned by the United Nations as indiscriminate. Lawmakers in favor of the War Powers Resolution argued that support for the coalition makes the U.S. complicit in what the U.N. has deemed the world's worst humanitarian crisis.

In the Senate, Sanders had proposed a measure that would cut all funding for U.S. support of the Saudi-led coalition operating in the country, but it was not voted on and was excluded from the version of the bill passed by the Senate on Thursday. The amendment would have specified that no funding could be allocated for intelligence-sharing, logistical support, or maintenance assistance.

Following the murder of journalist Jamal Khashoggi in October, Congress has also attempted to more broadly restrict U.S. support for Saudi Arabia. Last week, the House passed an amendment to the appropriations bill proposed by Democrat Ted Lieu that would block 22 pending foreign arms sales, including several to the kingdom.

In May, the Trump administration angered lawmakers from both parties by attempting to sidestep Congress and approve \$8.1 billion in weapons sales to Saudi Arabia, the United Arab Emirates, and other allies, citing "emergency" powers.

The vote on Lieu's amendment came one day before the Senate passed 22 joint resolutions of disapproval for each of the arms transfers authorized by Trump. During the debate before the vote, Democrat Bob Menendez, the sponsor of the resolutions, denounced the Saudi government for the murder of Khashoggi and its handling of the war in Yemen. The House is expected to vote on the resolutions at some point in July, according to El-Tayyab.

Trump has vowed to veto the measures, but if Lieu's amendment makes it through the Senate, it will be more difficult for the president to block them because of the necessity of passing the appropriations bill.

Gerry Connolly, a Democratic Congressman representing the Virginia district where Khashoggi was a resident, also successfully added an amendment to the appropriations which would prevent funds allocated to the State Department's International Military Education and Training program from being used to support Saudi Arabia.

Debates over all of the House amendments are expected to continue throughout the summer and potentially into the autumn or even winter as part of a potentially messy reconciliation process. While it's not yet clear which hills Democrats and their libertarian-conservative allies are

prepared to die on, Schumer has made clear his side is prepared for a long battle, noting debates over the major defense spending bills have dragged on into December in previous years.