



UPZ's Guide to America's Role in the Arab-Israeli Conflict

The Congressional Research Service (CRS), the bipartisan government entity that provides up-to-date policy research to keep American officials informed about a multitude of issues, broke down the twelve foreign policy roles of the individual branches involved in the creation of foreign policy, six for the Executive Branch and six for the Legislative branch. Portions of the document are listed below in italicized text and can be found online at <http://fpc.state.gov/6172.htm>. Independent UPZ research yielded examples of the individual foreign policy roles as they relate to the Arab-Israeli conflict.

Foreign Policy Role of the Executive Branch

- 1. *Response to Foreign Events*** – *Current events in foreign countries or a sudden action by a foreign government often challenge U.S. interests. As spokesman and head of the Foreign Service, the armed forces, the intelligence services, and the bureaucracy, the President usually responds to such events and thus initiates U.S. policy. Congress ordinarily supports the President, but on occasion seeks a change in policy.*

UPZ EXAMPLE: Death of Yasser Arafat, Hamas election victory in Gaza, Israeli air strikes in Lebanon, etc.

- 2. *Administration Proposal for Legislation*** – *On occasion, the executive branch wants to begin a foreign policy program that requires legislation or appropriations, and accordingly proposes legislation to Congress. Congressional approval in this situation is essential. Congress may play a more or less active role in the development of the legislation, modifying the Administration bill or developing entirely new legislation of its own.*

UPZ EXAMPLE: President Bush's FY 2009 budget request to increase military assistance to Israel in a 10-year, \$30 billion aid package.

- 3. *Negotiation of International Agreements*** – *The power of negotiation gives the executive branch a dominant role in making foreign policy through international agreements, but the President must take into account congressional opinion because often agreements must be approved by the Senate or Congress. Congress also influences agreements by placing in legislation instructions and views concerning international agreements, indicating through various means what kind of agreement would be acceptable, and attaching reservations or other conditions when approving an agreement.*

UPZ EXAMPLE: 1979 Egyptian-Israeli Peace Treaty ensuring massive aid packages from the American government, American-Jordanian Free Trade Agreement in 2000, approved by Congress and implemented by both countries in 2001.

- 4. *Policy Statements*** – *The President also establishes U.S. foreign policy through unilateral statements or joint statements issued with other governments. Sometimes unilateral statements are broad descriptions of American goals and objectives.*

UPZ EXAMPLE: President Bush's 2002 declaration calling for a Palestinian state and establishing the framework for the "Roadmap for Peace" along with the "Quartet on the Middle East" which includes the U.S., Russia, E.U. and the U.N. Also, U.S. votes in international organizations such as the U.N. would fall under this category, as they effectively serve as non-binding policy statements.

- 5. *Policy Implementation*** – *Even when Congress establishes foreign policy through legislation, the Administration continues to shape policy as it interprets and applies the various provisions of law.*

UPZ EXAMPLE: Congress authorized the Arms Export Control Act but the President can decide how to utilize this as an instrument of foreign policy, such as Operation Nickel Grass in the 1973 Yom Kippur War or when the U.S. restocked Israel's depleted munitions reserves in the 2005 Lebanon War.

- 6. *Independent Action*** – *Occasionally the President undertakes a dramatic or sudden foreign policy action before Congress is fully informed about it. Congress then is faced with the dilemma of supporting the action or being charged with undercutting the President before the world. Congress usually supports the President, but on occasion it tries to halt or reverse the policy or pass legislation to restrain the President from similar actions in the future.*

UPZ EXAMPLE: In this broad category, the President's powers can range from Clinton's 1998 launching of air strikes in Sudan and Afghanistan in response to the U.S. embassy bombings in Kenya and Tanzania to President Bush's hosting of the 2007 Annapolis Summit.

Foreign Policy Role of the Legislative Branch

- 1. Resolutions and Policy Statements** – Every year Members of Congress introduce large numbers of simple or concurrent resolutions stating the Sense of the House, Senate, or Congress on foreign policy, and many such resolutions are adopted ... Like Presidential policy statements, they express the policy of a single branch of government, but their effect is often weaker because Congress does not execute policy. Since simple and concurrent resolutions are not legally binding, the executive branch often ignores them in carrying out foreign policy.

UPZ EXAMPLE: 2007 Senate Resolution 321, which expressed the non-binding “sense of the Senate regarding the Israeli-Palestinian peace process,” urged President Bush to re-engage the warring parties.

- 2. Legislative Directives** – Congress sometimes initiates a foreign policy by using legislation to establish a new program, set objectives and guidelines, authorize and direct the executive branch to undertake specified activities, and by earmarking appropriations to be used in a specified way. The executive branch influences this kind of policy initiative because Members regularly seek Administration views in the process of formulating legislation, the President must approve legislation unless it is passed over a Presidential veto, and the executive branch implements the legislation.

UPZ EXAMPLE: 2006 H.R. 4681/S. 2370, also known as the “Palestinian Anti-Terrorism Act,” was essentially a punitive response to the Hamas victory in Gaza and significantly restricted U.S. activities/funds in the Palestinian territories.

- 3. Legislative Pressure** – Sometimes Congress pressures the executive branch into a new direction in foreign policy by threatening to pass legislation, even though the legislation is not enacted, or by continuing to exhort a policy through many means.

UPZ EXAMPLE: 2007 H.R. 1585 Defense Authorization Bill, which included sanctions on Iran which the Bush administration vetoed because the President’s position that only his administration should formulate Iran policy.

- 4. Legislative Restrictions/Funding Denials** – Congress has been most visible in its foreign policy role when it has placed legislation prohibitions or other limitations on the President's freedom of action in foreign affairs. Often these measures have been amendments to legislation authorizing or appropriating funds that the President was unlikely to veto. The use of funding restrictions or denials by Congress is a classic illustration of the “power of the purse” under the Constitution. Unlike other legislative action by Congress, its use is not subject to serious challenge by the President as an unconstitutional infringement on the President's foreign policy powers.

UPZ EXAMPLE: FY 2003 Supplemental Appropriations bill included stipulations that loan guarantees made to Israel would be made on the condition that they not be used in any territory not controlled by Israel before June 5, 1967. When this was violated, the Bush administration was required by law to reduce the loan guarantees made to Israel.

- 5. Informal Advice** – Often Members of Congress shape foreign policy by providing advice to the executive branch in informal contacts. Such advice can also be given at meetings between the President and Members where no formal decision-making is contemplated, but where general reactions to prospective policy initiatives may be solicited by the President.

UPZ EXAMPLE: In 2007, 114 members of Congress wrote President Bush a letter voicing their concern over an arms deal with Saudi Arabia. Also in 2007, 135 Representatives signed the Ackerman-Boustany letter to Secretary of State Rice, endorsing the administration’s efforts in Annapolis and urging other measures be taken to achieve success at the summit.

- 6. Oversight of Policy** – Congress shapes foreign policy through regular oversight of executive branch implementation of foreign policy. This involves such mechanisms as hearings and investigations. In particular, hearings on annual authorizations and appropriations of funds for executive branch agencies carrying out foreign policy provide an opportunity for committee members to question and influence activities and policies.

UPZ EXAMPLE: April 2008 Senate and House intelligence committee hearings regarding the September 2007 Israeli attack on a suspected nuclear site in Syria; In early 2007, Congress requested information from the President about Israel’s use of cluster bombs in the 2005 Lebanon War; October 2007 House Committee on Foreign Affairs welcomed Secretary of State Rice for information on the Israeli-Palestinian situation, etc.