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Foreign Affairs Outlook for Trump Presidency and 115th Congress

When President-elect Donald Trump and the 115th Congress are sworn in January, they will confront a world in deep turmoil, from a war-ravaged Middle East to a Europe beset by terrorism, a migrant crisis, and populist, nationalistic, and far-right movements, promoting anti-European Union sentiment.

President-elect Trump and lawmakers will also face a resurgent Russia under the leadership of Vladimir Putin that is threatening the post-Cold War Euro-Atlantic security order by creating instability in Ukraine and the South Caucasus, which eventually could lead to a confrontation with NATO over security of the Baltic States of Latvia, Lithuania, and Estonia that have significant Russian-speaking minorities. Putin is also challenging the United States and its allies in the Middle East by using military force in Syria to prop up the regime of Bashar Hafez al-Assad, deepening a bloody civil war that has killed an estimated 470,000 people and forced millions to flee to neighboring Turkey and Europe.¹

Finally, if Congress fails to pass the Trans-Pacific Partnership (TPP) trade deal before adjourning for the year, which is a near certainty given President-elect Trump's strong opposition to TPP, this will leave the future of TPP uncertain, adding to a complex set of security challenges facing the United States in the Asia-Pacific region, including North Korea's nuclear program and China's territorial claims in the South China Sea. By proclaiming TPP a critical part of the U.S. "rebalance" to Asia, the Obama administration raised the stakes for approving the 12-country trade agreement. Many fear that as a result, congressional failure to approve TPP in the lame duck session not only threatens U.S. business interests, it is likely to sow doubts about American resolve, which could embolden North Korea and China and undermine U.S. alliances with countries in the region.

¹ Estimates of deaths in the Syrian Civil War, per opposition activist groups, vary between 301,781 and 470,000. On April 23, 2016, the United Nations and Arab League Envoy to Syria put out an estimate of 400,000 that had died in the war.

Political Overview

How will President-elect Trump and the next Congress address the foreign policy challenges confronting the United States? A key question is how Trump and Republicans on Capitol Hill will work together despite their differences over issues such as trade, how best to deal with Russian President Vladimir Putin and maintaining current support levels for U.S. allies around the world. And, if President-elect Trump elects to work closely with congressional Democrats on some issues, such as infrastructure spending and protecting Social Security and Medicare, which conservative Republicans in the House and Senate may oppose, will this affect their cooperation in other areas including foreign affairs?

A lot will depend on how President-elect Trump chooses to carry out his responsibilities as commander-in-chief and the nation's chief diplomat. For "under the U.S. Constitution, the president enjoys considerable latitude. While only Congress can officially declare war or ratify treaties, presidents may use (or refuse to use) military force without explicit congressional approval. They can also enter into international agreements other than treaties, appoint powerful White House staff, and change U.S. foreign policy by executive action, as Obama recently did regarding Cuba."² Under President-elect Trump, this discretion could translate into demands by Mr. Trump that U.S. allies in Europe and Asia pay a greater share of the costs for U.S. protection and that China take steps to rein in the growing nuclear threat posed by North Korea.

President-elect Trump's relationship with House Speaker Paul Ryan (R-WI) and Senate Majority Leader Mitch McConnell (R-KY) will be especially important. The current relationship between Trump and Ryan has been frayed by the election campaign in which Ryan voiced his disagreement with Trump on policy issues and refused to campaign with the GOP nominee after a video was released containing disparaging statements towards women made by Mr. Trump. However, with Republicans controlling the White House and Congress, we expect President-elect Trump and House Speaker Ryan will repair their relationship to take advantage of the rare opportunity to advance a unified GOP domestic and foreign policy agenda from both ends of Pennsylvania Avenue. President-elect Trump and Senate Majority Leader McConnell did not suffer a major break in their relationship during the campaign, and we expect them also to work closely together, which will be critical in order to move legislation and Trump's nominations through the Senate including for Secretary of State and other positions that will be critical to implementing President-elect Trump's foreign policy.

Finally, yesterday's election results mean that although Republicans will continue to control the Senate, they will not have a filibuster-proof majority, meaning that under current Senate rules, they will need Democratic support to secure the 60 votes needed to pass most legislation and to overcome a filibuster of President-elect Trump's Supreme Court nominations. Thus, President-elect Trump will have to work with moderate Democrats in the Senate to get important legislation passed and to approve his Supreme Court nominations, which most Democrats are likely to oppose.

Key Issues

Below is a summary of key foreign affairs-related issues that President-elect Trump addressed during the election campaign. The issues discussed below are not intended to be exhaustive, but to provide an overview of some of the most difficult foreign policy challenges awaiting President-elect Trump and the new Congress.

In assessing how these and other foreign affairs issues may play out during President-elect Trump's term, it's important to keep in mind that not everything a presidential candidate says during an election campaign is predictive of exactly how they will act as president. This is particularly the case for Mr. Trump, who, more than most presidential candidates relied on general foreign policy prescriptions and did not provide many details during the election campaign. This provides President-elect Trump a great deal of maneuverability in foreign policy decision-making, and as a result, we can't predict precisely how he will address a specific foreign policy challenge or crisis that occurs on his watch.

² *America After the Election*, Richard Haas, Oct. 25, 2016.

Moreover, President-elect Trump's foreign policy will be affected greatly by the people he appoints to key positions, including Secretary of State, Secretary of Defense, National Security Advisor, and United States Trade Representative. We won't know these appointees are until President-elect Trump has announced his selections and they are confirmed by the Senate (if required).

American Allies Should Pay More for U.S. Defense

President-elect Trump has said American allies including Germany, Saudi Arabia, Japan and South Korea should pay more for U.S. defense support. As president, Trump said he would call for "a summit with our NATO allies and a separate summit with our Asian allies" to "discuss a rebalancing of financial commitments but take a fresh look at how we can adopt new strategies for tackling our common challenges."³

"We have spent trillions of dollars over time on planes, missiles, ships, equipment, building up our military to provide a strong defense for Europe and Asia. The countries we are defending must pay for the cost of this defense, and if not, the U.S. must be prepared to let these countries defend themselves. We have no choice," Trump said.⁴

The United States has numerous military bases in Japan and South Korea – and 54,000 and 28,500 troops in each country, respectively – to guard against the threat of North Korea and keep China in check.

But, local taxpayers in Japan and Korea bear a huge chunk of the burden. Japan pays about \$1.7 billion a year to support the stationing of U.S. troops in the country, while South Korea pays almost \$900 million, about 40 percent of the total cost. Their contributions rise with inflation. Also, the cost of Camp Humphreys, the mega-base being built in South Korea, is pegged at \$10.8 billion. The South Korean government is paying \$10 billion, with the United States picking up the remaining \$800 million, according to Pacific Command figures.⁵

President-elect Trump's demands to renegotiate U.S. alliances in Europe and Asia threaten to up-end decades of U.S. military and diplomatic strategy. While the U.S. spends billions of dollars basing troops and equipment overseas, that has historically been part of a trade-off that lets the U.S. project power abroad.⁶

Diplomacy & Respect Crucial to U.S. Relationship with Russia

When asked if he might meet with Russian President Vladimir Putin, President-elect Trump replied. "Well, I had heard that he wanted to meet with me. And certainly I am open to it. I don't know that it's going to take place, but I know that people have been talking. We'll see what happens. But certainly, if he wanted to meet, I would love to do that. You know, I've been saying relationship is so important in business, that it's so important in deals, and so important in the country. And if President Obama got along with Putin, that would be a fabulous thing. But they do not get along. Putin does not respect our president. And I'm sure that our president does not like him very much."⁷

President-elect Trump said that Mr. Putin has no respect for America but he would get along with him. Trump said. "Number one, [Putin has] to respect you. He has absolutely no respect for President Obama. Zero. I would talk to him. I would get along with him. I believe I would get along with a lot of the world leaders that this country is not getting along with. I think I will get along with Putin, and I will get along with others, and we will have a much more stable world."⁸

President-elect Trump's belief that he can establish a good working relationship with Russian President Vladimir Putin offers both potential benefits and risks. On the one hand, if the U.S. and Russia were to engage in closer cooperation, this might help bring greater stability to Ukraine, the Middle East – particularly in Syria – and other parts of the world. On the

³ Trump says our allies have to pay up. Obama has been saying that for years, Washington Post, April 28, 2016

⁴ Trump: U.S. allies should pay more or defend themselves, The Korea Herald, April 4, 2016.

⁵ Donald Trump says U.S. is bankrolling Asian allies' defense. That's not really true, Washington Post, March 30, 2016.

⁶ Trump Says Allies Should Pay in Full for American Defense, New Max, June 5, 2016.

⁷ Meet the Press 2015 interviews of 2016 presidential hopefuls , Sep 20, 2015

⁸ 2015 Republican two-tiered primary debate on CNN , Sep 16, 2015

other hand, if Mr. Trump's efforts to work with Putin fail, Trump might revert to an aggressive approach that causes the Russian president to increase tensions with the U.S. and its allies in Europe as well as in the Middle East.

Syria & Iran - Stopping the Spread of Radical Islam

President-elect Trump's vice presidential running mate, Mike Pence, said during the Vice Presidential debate that the United States should respond to Russian aggression in Syria with military force, if necessary. Trump said he disagrees. "[Pence] and I haven't spoken, and he and I disagree," Trump said.⁹

Regarding the U.S.-Iran nuclear agreement, President-elect Trump continues to argue the deal is good for Iran because it released \$150 billion in Iranian money frozen by the U.S. Mr. Trump also maintains the deal permits Iran to resume its nuclear program in 10 to 15 years, and provides the nation money to continue its support of terrorism.¹⁰

President-elect Trump also plans to replace nation building with what his aides describe as "foreign policy realism" focused on destroying the Islamic State (ISIS) and other extremist organizations. Trump argues the U.S. needs to work with anyone who shares this mission, regardless of other ideological and strategic disagreements. Trump's position is that any country that wants to work with the U.S. to defeat "radical Islamic terrorism" will be a U.S. ally.¹¹

President-elect Trump has said he will call for an international conference, working with Israel, Jordan, and Egypt, to focus on this shared goal. He said the U.S. could find common ground with Russia on the fight against ISIS. "They too have much at stake in the outcome in Syria," he recently explained about a potential alliance with Russia.

Mr. Trump said as president he will have joint military efforts to stop ISIS, cut off the funding for the terrorist group and using cyber warfare to stop its recruiting and propaganda. "We cannot allow the internet to be used as a recruiting tool," he stressed. "We must shut down their access to this form of communication and we must do it immediately."

President-elect Trump also said "[his] administration will be a friend to all moderate Muslim reformers in the Middle East and will amplify their voices; this includes speaking out against honor killings."¹²

Trade

On August 24, 2016, President-elect Trump laid out his trade agenda "to bring back our jobs and creates millions of new jobs" during a speech at the Florida State Fairgrounds. Mr. Trump said:

"I'm going to direct the secretary of commerce to identify every violation of trade agreements that a foreign country is currently using to harm American workers, of which there are many," he said. "Because they rightfully think we're run by incompetent people. So I don't blame China, I don't blame Japan and Mexico and these other countries. They're getting away with murder, but if I were them, I'd be trying to do the same thing. I blame our leaders. I want us to be on the winning side. We will be on the winning side if you elect me on November 8. I promise. I will then direct all appropriate agencies to use every tool under American and international law to end these abuses. We're being abused."¹³

"I'm going to tell our NAFTA partners that I intend to immediately renegotiate the terms of that horrible agreement signed by Bill Clinton to get a better deal for our workers. And if we don't get the deal that we want, which has to be good and has to make up for all of these years of abuse and lost time, then we will walk away, which is fine."¹⁴

⁹ Ibid.

¹⁰ Ibid.

¹¹ *Trump to declare end to nation building, if elected president*, PBS News hour, August 15, 2016,

¹² *Trump Calls for 'Ideological Warfare' to Defeat Radical Islam*, CBS News.com, August 16, 2016.

¹³ Ibid.

¹⁴ Ibid.

“I’m going to instruct my treasury secretary to label China a currency manipulator, the greatest in the world. Any country that devalues their currency in order to take unfair advantage of the United States and all of its companies who can’t compete will face tariffs and taxes to stop the cheating. And when they see that, they will stop the cheating. I don’t think our politicians even know what’s going on. And they will stop or we’re going to take in one hell of a lot of money, I’ll tell you that.”¹⁵

“I’m going to instruct the United States trade representative to bring trade cases against China, both in this country and at the WTO, World Trade Organization,” he continued. “China’s unfair subsidy and its behavior is prohibited by the terms of its entrance into the WTO, and I intend to enforce our rules. That’s all. Very simple. And they know it’s coming. They’ve called a lot of friends of mine. They know it’s coming. They say, ‘What do we do? What do we do?’”¹⁶

Thus, it is likely that a Trump Administration will step up trade enforcement actions including anti-dumping (AD) and countervailing duty (CVD) cases against China and other countries that President-elect Trump believes are committing unfair trade practices against the United States.

Immigration Restrictions to Protect U.S. Security

President-elect Trump has said a new immigration policy is needed to stop terrorist attacks on American soil, adding that the terrorist attacks that have occurred here “have involved immigrants or the children of immigrants.”

Mr. Trump’s position is that “[we] should only admit into this country those who share our values and respect our people.” Trump stresses the need for assimilation and says that he supports “extreme vetting” for those who wish to come into America.¹⁷

President-elect Trump has called for a temporary suspension of immigration and visas issued to countries where terrorists have spread violence. “I will ask the State Department and the Department of Homeland Security to identify a list of regions where adequate screenings cannot take place,” Trump said. “We will stop processing visas from those regions” until there are new procedures put into place.¹⁸

Greenberg Traurig will provide additional updates as final election results emerge in pending races and as the legislative agenda for the lame-duck and the next session of Congress become clearer.

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¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ *Trump proposes new ideological screening test to vet immigrants 'who support bigotry and hatred*, Business Insider, August 15, 2015'

¹⁸ *Trump’s Foreign Policy Ends ‘Era of Nation Building,’ Time to ‘Chart a New Course’*, Breitbart, August 15, 2016.

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