To impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

Mrs. Gillibrand (for herself, Mr. Kirk, and Mr. Lieberman) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Syria Sanctions Act of 2011”.

SEC. 2. FINDINGS.

Congress makes the following findings:
(1) On December 12, 2003, the President signed the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175; 22 U.S.C. 2151 note) in order to hold the Government of Syria accountable for its actions.

(2) Current law in the United States prohibits the Government of Syria from receiving assistance from the United States because it has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) and other related statutes.

(3) On April 29, 2011, the President issued additional sanctions with respect to Syria, stating that, “the Government of Syria’s human rights abuses, including those related to the repression of the people of Syria, manifested most recently by the use of violence and torture against, and arbitrary arrests and detentions of, peaceful protestors by police, security forces, and other entities that have engaged in human rights abuses, constitute an unusual and ex-
traordinary threat to the national security, foreign
policy, and economy of the United States”.

(4) On July 31, 2011, President Obama made
the following statement: “I am appalled by the Syr-
ian government’s use of violence and brutality
against its own people. The reports out of Hama are
horrifying and demonstrate the true character of the
Syrian regime. Once again, President Assad has
shown that he is completely incapable and unwilling
to respond to the legitimate grievances of the Syrian
people. His use of torture, corruption and terror
puts him on the wrong side of history and his peo-
ple. Through his own actions, Bashar al-Assad is en-
suring that he and his regime will be left in the past,
and that the courageous Syrian people who have
demonstrated in the streets will determine its future.
Syria will be a better place when a democratic tran-
sition goes forward. In the days ahead, the United
States will continue to increase our pressure on the
Syrian regime, and work with others around the
world to isolate the Assad government and stand
with the Syrian people.”.

(5) The Government of Syria, led by President
Bashar al-Assad, responded to protests by launching
a violent crackdown, committing human rights
abuses, and violating its international obligations, including the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(6) On April 15, 2011, Christof Heyns, the United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions, stated that live ammunition has been used by the Government of Syria against demonstrators “in clear violation of international law”.

(7) Independent international organizations, including Amnesty International and Human Rights Watch, have documented evidence that peaceful protestors detained by security forces of the Government of Syria are being subjected to torture, including with electroshock devices, cables, sticks, and whips, and are being held in overcrowded cells, deprived of sleep, food, and water for days at a time.

(8) Human Rights Watch reported on June 1, 2011, that “[s]ystematic killings and torture by Syrian security forces in the city of Daraa since protests began there on March 18, 2011, strongly suggest that these qualify as crimes against humanity”.

(9) The Associated Press reported on July 19, 2011, that forces of the Government of Syria shot at a funeral in Homs, killing as many as 10 people.

(10) Reports suggest that between 1,400 and 1,600 civilians have been killed, and Syrian human rights groups report that more than 10,000 Syrian protestors have been arrested.

(11) As of June 18, 2011, a human rights association estimated that there were approximately 8,500 Syrian refugees in Lebanon.

(12) As of July 30, 2011, the United Nations High Commissioner for Refugees stated that there were approximately 7,000 Syrian refugees in Turkey.

(13) Supporters of President Bashar al-Assad attacked the embassies of the United States and France on July 11, 2011, following demonstrations sanctioned by the Government of Syria outside the embassy of the United States from July 8 to 9, 2011.

(14) On May 6, 2011, envoys of the 27 nations of the European Union agreed to impose sanctions on the Government of Syria for the human rights abuses it is perpetrating, including asset freezes and
visa bans on 13 members of the Government of Syria and an arms embargo on the country.

(15) On June 29, 2011, the Department of the Treasury sanctioned the chief and deputy chief of Iran’s national police and the head of the Syrian Air Force Intelligence for providing support to the Government of Syria in engaging in human rights abuses.


(17) The transfer of weapons by the Government of Syria to Hezbollah in Lebanon is in violation of United Nations Security Council Resolution 1701 (2006), which established an arms embargo requiring all countries to prevent the supply of arms and weapons to militias and terrorists in Lebanon.

(18) The Government of Syria has violated the territorial integrity and sovereignty of Lebanon in

(19) Syria, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”), is legally bound to declare all its nuclear activity to the International Atomic Energy Agency and to place such activity under the monitoring of that agency.

(20) The Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions for the year 2010, submitted by the Deputy Director of National Intelligence for Analysis, declared that “[w]e assess the reactor [at Dair Alzour] would have been capable of producing plutonium for nuclear weapons. The covert nature of the program, the characteristics of the reactor, and Syria’s extreme efforts to deny and destroy evidence of the reactor after its destruction are inconsistent with peaceful nuclear applications”.

(21) On June 9, 2011, the International Atomic Energy Agency referred Syria to the United Nations
Security Council with a resolution that expressed “serious concern” about “Syria’s lack of cooperation”, highlighted the history of the Government of Syria of concealing nuclear activities, and noted that “the resulting absence of confidence that Syria’s nuclear program is exclusively for peaceful purposes have given rise to concerns regarding the maintenance of international peace and security”.

(22) The 2009 Country Reports on Terrorism of the Department of State declared that “Syria continue[s] to provide safe-haven as well as political and other support to a number of designated Palestinian terrorist groups, including HAMAS, Palestinian Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine-General Command (PFLP–GC)”.

(23) That report noted that the “operational leadership” of those terrorist groups and others is “headquartered or sheltered in Damascus” and that the Government of Syria “allows terrorist groups resident in its territory to receive and ship goods, including weapons, in and out of the country. Additionally, the Syrian government provided diplomatic, political and material support to Hizballah in Lebanon and allowed Iran to supply this organization
with weapons. Weapons flow from Iran through Syria, and directly from Syria, to Hizballah despite UN Security Council resolution 1701 of 2006, which imposes an arms embargo on Lebanon except with the consent of the Lebanese government . . . Syria has maintained its ties with its strategic ally, and fellow state sponsor of terrorism, Iran.”.

(24) That report also stated that the existence of foreign fighter facilitation networks in Syria for entry into Iraq, “remains troubling” and noted that “Syria has long provided sanctuary and political support for certain former Iraqi regime elements”.

(25) On May 15, 2011, according to the Department of State, attempts to cross the Israel border near the Golan Heights were “an effort by the Syrian Government to play a destabilizing role. [I]t’s clearly an effort by them to take focus off the situation that’s happening right now in Syria, and it’s a cynical use of the Palestinian cause to encourage violence along its border as it continues to repress its own people within Syria.”.

(26) According to the International Monetary Fund, approximately 25 percent of the revenue of the Government of Syria comes from the oil sector.
The Government of Syria remains highly dependent on energy revenues, even as Syria’s petroleum production has largely declined in recent years due to diminishing reserves and limited refining capacity.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate.

(2) COMPONENT PART.—The term “component part” has the meaning given that term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(3) DEVELOP AND DEVELOPMENT.—The terms “develop” and “development”, with respect to petroleum resources, have the meanings given those terms...

(4) **FINANCIAL INSTITUTION.**—The term “financial institution” has the meaning given that term in section 14 of the Iran Sanctions of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(5) **FINISHED PRODUCT.**—The term “finished product” has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(6) **FOREIGN PERSON.**—The term “foreign person” means an individual or entity that is not a United States person.

(7) **GOOD AND TECHNOLOGY.**—The terms “good” and “technology” have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(8) **INVESTMENT.**—

(A) **IN GENERAL.**—The term “investment” means any of the following activities:
(i) The entry into an agreement described in subparagraph (B) that includes responsibility for the development of the petroleum resources of Syria.

(ii) The entry into an agreement providing for the general supervision and guarantee of the performance of an agreement described in clause (i) by another person.

(iii) The purchase, pursuant to an agreement described in subparagraph (B), of a share of ownership, including an equity interest, in the development of petroleum resources described in clause (i).

(iv) The entry into an agreement described in subparagraph (B) providing for the participation in royalties, earnings, or profits in the development of petroleum resources described in clause (i), without regard to the form of the participation.

(v) The entry into, performance, or financing of an agreement described in subparagraph (B) to sell or purchase goods, services, or technology related to the devel-
opment of petroleum resources described in clause (i).

(B) AGREEMENT DESCRIBED.—An agreement described in this subparagraph is an agreement with the Government of Syria or a person located in Syria that is entered into or modified on or after the date of the enactment of this Act.

(9) KNOWINGLY.—The term “knowingly” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(10) PERSON.—The term “person” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(11) PETROLEUM RESOURCES.—The term “petroleum resources” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(12) REFINED PETROLEUM PRODUCTS.—The term “refined petroleum products” means gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.
(13) SYRIA.—The term “Syria” includes any agency or instrumentality of Syria and any entity owned or controlled by the Government of Syria.

(14) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” means a financial institution that is a United States person.

(15) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; and

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 4. IMPOSITION OF SANCTIONS.

(a) SANCTIONS WITH RESPECT TO THE PETROLEUM RESOURCES AND SOVEREIGN DEBT OF SYRIA.—

(1) DEVELOPMENT OF PETROLEUM RESOURCES OF SYRIA.—

(A) IN GENERAL.—Except as provided in subsection (c), the President shall impose 3 or more of the sanctions described in section 5(a) with respect to a person if the President deter-
mines that the person knowingly, on or after
the date of the enactment of this Act—

(i) makes an investment described in
subparagraph (B) of $20,000,000 or more;

(ii) makes a combination of invest-
ments described in subparagraph (B) in a
12-month period if each such investment is
of at least $5,000,000 and such invest-
ments equal or exceed $20,000,000 in the
aggregate; or

(iii) sells, leases, or provides to Syria
goods, services, technology, information, or
support described in subparagraph (C)—

(I) any of which has a fair mar-
ket value of $1,000,000 or more; or

(II) that, during a 12-month pe-
riod, have an aggregate fair market
value of $5,000,000 or more.

(B) INVESTMENT DESCRIBED.—An invest-
ment described in this subparagraph is an in-
vestment that directly and significantly contrib-
utes to the enhancement of Syria’s ability to de-
velop petroleum resources.

(C) GOODS, SERVICES, TECHNOLOGY, IN-
FORMATION, OR SUPPORT DESCRIBED.—Goods,
services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Syria’s ability to develop petroleum resources.

(2) Production of refined petroleum products.—

(A) In general.—Except as provided in subsection (c), the President shall impose 3 or more of the sanctions described in section 5(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, sells, leases, or provides to Syria goods, services, technology, information, or support described in subparagraph (B)—

(i) any of which has a fair market value of $1,000,000 or more; or

(ii) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

(B) Goods, services, technology, information, or support described.—Goods, services, technology, information, or support de-
scribed in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Syria’s domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of—

(i) petroleum refineries or associated infrastructure; or

(ii) port facilities, railroads, or roads, if the primary use of those facilities, railroads, or roads is to support the transportation of refined petroleum products.

(3) Exportation of refined petroleum products to Syria.—

(A) In general.—Except as provided in subsection (c), the President may impose 3 or more of the sanctions described in section 5(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act—

(i) sells or provides to Syria refined petroleum products—
(I) that have a fair market value of $1,000,000 or more; or

(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more; or

(ii) sells, leases, or provides to Syria goods, services, technology, information, or support described in subparagraph (B)—

(I) any of which has a fair market value of $1,000,000 or more; or

(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Syria’s ability to import refined petroleum products, including—

(i) except as provided in subparagraph (C), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such
goods, services, technology, information, or support;

(ii) financing or brokering such sale, lease, or provision; or

(iii) providing ships or shipping services to deliver refined petroleum products to Syria.

(C) Exception for Underwriters and Insurance Providers Exercising Due Diligence.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).

(4) Exportation of Petroleum Resources Developed by Syria.—

(A) In General.—Except as provided in subsection (c), the President shall impose 3 or
more of the sanctions described in section 5(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, purchases, including by entering into a long-term contract for the purchase of, petroleum resources developed by Syria or provides services described in subparagraph (B) with respect to the exportation of petroleum resources to be refined or otherwise processed outside of Syria if—

(i) the Government of Syria was involved in the development or sale of the petroleum resources in Syria; and

(ii)(I) the fair market value of the petroleum resources is $1,000,000 or more; or

(II) during a 12-month period, the aggregate fair market value of the petroleum resources is $5,000,000 or more.

(B) SERVICES DESCRIBED.—The services described in this subparagraph are—

(i) refining or otherwise processing petroleum resources;
(ii) the provision of ships or shipping services; or

(iii) except as provided in subparagraph (C), financing, brokering, underwriting, or entering into a contract to provide insurance or reinsurance.

(C) Exception for Underwriters and Insurance Providers Exercising Due Diligence.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance with respect to the exportation of petroleum resources in violation of subparagraph (A).

(5) Purchase of Sovereign Debt.—Except as provided in subsection (e), the President shall impose 3 or more of the sanctions described in section 5(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, purchases, sub-
scribes to, or facilitates the issuance of sovereign
debt of the Government of Syria for the purpose of
directly and significantly—

(A) contributing to the enhancement of
Syria’s ability to develop petroleum resources;

(B) facilitating the maintenance or expansion
of Syria’s domestic production of refined
petroleum products;

(C) contributing to the enhancement of
Syria’s ability to import refined petroleum prod-
ucts; or

(D) contributing to the enhancement of
Syria’s ability to export petroleum resources.

(b) PERSONS AGAINST WHICH THE SANCTIONS ARE
TO BE IMPOSED.—

(1) IN GENERAL.—The sanctions described in
subsection (a) shall be imposed on—

(A) any person the President determines
has carried out the activities described in sub-
section (a); and

(B) any person that—

(i) is a successor entity to the person
referred to in paragraph (1);

(ii) owns or controls the person re-
ferred to in paragraph (1), if the person
that owns or controls the person referred
to in paragraph (1) had actual knowledge
or should have known that the person re-
ferred to in paragraph (1) engaged in the
activities referred to in that paragraph; or

(iii) is owned or controlled by, or
under common ownership or control with,
the person referred to in paragraph (1), if
the person owned or controlled by, or
under common ownership or control with
(as the case may be), the person referred
to in paragraph (1) knowingly engaged in
the activities referred to in that paragraph.

(2) Sanctioned Person Defined.—In this
Act, the term “sanctioned person” means any person
described in paragraph (1).

(c) Exceptions.—The President shall not be re-
quired to apply or maintain the sanctions under subsection
(a)—

(1) in the case of procurement of defense arti-
cles or defense services—

(A) under existing contracts or sub-
contracts, including the exercise of options for
production quantities to satisfy requirements
essential to the national security interests of the United States;

(B) if the President determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing that such articles or services are essential to the national security interests of the United States under defense coproduction agreements;

(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b));

(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person on which the sanctions are to be imposed;

(4) to—
(A) spare parts that are essential to United States products or production;

(B) component parts, but not finished products, essential to United States products or production; or

(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(5) to information and technology essential to United States products or production; or

(6) to medicines, medical supplies, or other humanitarian items.

SEC. 5. DESCRIPTION OF SANCTIONS.

(a) In General.—The sanctions to be imposed on a sanctioned person under section 4 are as follows:

(1) Export-Import Bank Assistance for Exports to Sanctioned Persons.—The President may direct the Export-Import Bank of the United States not to approve any financing (including any guarantee, insurance, extension of credit, or participation in the extension of credit) in connection with the export of any goods or services to any sanctioned person.

(2) Export Sanction.—The President may order the United States Government not to issue
any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—


(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other law that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless that person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—
(A) IN GENERAL.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(i) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(ii) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(B) CLARIFICATION.—The imposition of either sanction under clause (i) or (ii) of subparagraph (A) shall be treated as 1 sanction for purposes of section 4, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of section 4.
(5) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a sanctioned person has any interest.

(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(8) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with
respect to which the sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(9) ADDITIONAL SANCTIONS.—The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.—

(1) MODIFICATION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity for which sanctions may be imposed under section 4.

(2) REMEDIES.—
(A) Termination, Debarment, or Suspension.—

(i) In general.—If the head of an executive agency determines that a person has submitted a false certification under paragraph (1) on or after the date on which the revision of the Federal Acquisition Regulation required by this subsection becomes effective, the head of that executive agency shall—

(I) terminate a contract with such person; or

(II) debar or suspend such person from eligibility for Federal contracts for a period of not more than 3 years.

(ii) Procedure.—Any debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

(B) Inclusion on List of Parties Excluded from Federal Procurement and Nonprocurement Programs.—The Adminis-
trator of General Services shall include on the
List of Parties Excluded from Federal Procure-
ment and Nonprocurement Programs main-
tained by the Administrator under part 9 of the
Federal Acquisition Regulation issued pursuant
to section 1303(a)(1) of title 41, United States
Code, each person that is debarred, suspended,
or proposed for debarment or suspension by the
head of an executive agency on the basis of a
determination of a false certification under sub-
paragraph (A).

(3) CLARIFICATION REGARDING CERTAIN PROD-
UCTS.—The remedies set forth in paragraph (2)
shall not apply with respect to the procurement of
eligible products, as defined in section 308(4) of the
Trade Agreements Act of 1979 (19 U.S.C. 2518(4)),
of any foreign country or instrumentality designated
under section 301(b) of that Act (19 U.S.C.
2511(b)).

(4) RULE OF CONSTRUCTION.—This subsection
shall not be construed to limit the use of other rem-
edies available to the head of an executive agency or
any other official of the Federal Government on the
basis of a determination of a false certification
under paragraph (1).
(5) WAIVERS.—The President may on a case-by-case basis waive the requirement that a person make a certification under paragraph (1) if the President determines and certifies in writing to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that it is in the national interest of the United States to do so.

(6) EXECUTIVE AGENCY DEFINED.—In this subsection, the term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(7) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 6. ADVISORY OPINIONS.

(a) ISSUANCE OF ADVISORY OPINIONS.—The Secretary of State may, upon the request of any person, issue an advisory opinion to that person with respect to whether a proposed activity by that person would subject that person to sanctions under this Act.
(b) RELIANCE ON ADVISORY OPINIONS.—Any person who relies in good faith on an advisory opinion issued under subsection (a) that states that a proposed activity would not subject a person to sanctions under this Act, and any person who thereafter engages in that activity, shall not be subject to such sanctions on account of that activity.

SEC. 7. DURATION OF SANCTIONS.

(a) DELAY OF SANCTIONS.—

(1) CONSULTATIONS.—If the President makes a determination described in section 4 with respect to a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions under this Act.

(2) DELAY FOR CONSULTATION.—In order to pursue consultations under paragraph (1) with the government that has primary jurisdiction over the foreign person that is the subject of the President’s determination under that paragraph, the President may delay the imposition of sanctions under this Act with respect to that foreign person for not more than 90 days.
(3) Imposition of Sanctions.—After completing consultations with a government under paragraph (1) with respect to a person, or on the date that is 90 days after the initiation of such consultations (whichever is earlier), the President shall immediately impose sanctions unless the President determines and certifies to the appropriate congressional committees that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties and to terminate the involvement of the foreign person in the activities that resulted in the determination by the President to impose sanctions under section 4 with respect to that person.

(b) Duration of Sanctions.—

(1) In General.—Except as provided in paragraphs (2) and (3), a sanction imposed under section 4 shall remain in effect until the date that is 2 years after the date on which the sanction is imposed.

(2) Early Termination.—

(A) In General.—If the President makes a certification described in subparagraph (B) with respect to a person, the President may terminate a sanction imposed on that person
under this Act on or after the date that is 1 year after the date on which the sanction is imposed.

(B) Certification described.—A certification described in this subparagraph is a certification by the President to Congress that—

(i) a person on which a sanction is imposed under this Act is no longer engaging in any activity for which sanctions may be imposed under this Act; and

(ii) the President has received reliable assurances that the person will not knowingly engage in any such activity in the future.

SEC. 8. PRESIDENTIAL WAIVER.

The President may, on a case-by-case basis, waive for one 12-month period the requirement under section 4 to impose sanctions with respect to a person, if the President certifies to the appropriate congressional committees not less than 30 days before the waiver is to take effect that the waiver is important to the national security interests of the United States.
SEC. 9. TERMINATION OF SANCTIONS.

(a) IN GENERAL.—The requirement to impose sanctions and any sanctions imposed under section 4 shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) the certification described in section 5(d) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175; 22 U.S.C. 2151 note); and

(2) a certification that the Government of Syria is democratically elected and representative of the people of Syria.

(b) SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.—The requirement to impose sanctions and any sanctions imposed under section 4 shall be suspended for not more than 1 year, in order to allow time for a certification under subsection (a)(1) to be submitted, if the President submits a certification under subsection (a)(2).

SEC. 10. DETERMINATIONS NOT REVIEWABLE.

A determination to impose sanctions under this Act shall not be reviewable in any court.
1 SEC. 11. EXCLUSION OF CERTAIN ACTIVITIES.

2 Nothing in this Act shall apply to any activities sub-
3 ject to the reporting requirements of title V of the Na-
4 tional Security Act of 1947 (50 U.S.C. 413 et seq.).