S. 617

To provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2013

Mr. CASEY (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide humanitarian assistance and support a democratic transition in Syria, 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 Democratic Transition Act of 2013”.

SECTION 2. FINDINGS.

Congress makes the following findings:

(1) In March 2011, peaceful demonstrations in Syria began against the authoritarian rule of Bashar al-Assad. The regime responded with terrible vio-
lence against the citizens of Syria, including the use
of weapons of war, torture, extrajudicial killings, ar-
bitrary executions, sexual violence, and interference
with access to medical treatment.

(2) In December 2011, the Government of
Syria agreed to allow an Arab League observer
group into the country to assess the humanitarian
and political situation on the ground. However, on
January 28, 2012, the League officially ended its
observer mission, citing escalating violence and the
intransigence of the Assad regime.

(3) In February 2012, the group Friends of the
Syrian People met in Tunis and issued a declaration
demanding, among other things, that the Syrian re-
gime “allow free and unimpeded access by the
United Nations and humanitarian agencies to carry
out a full assessment of needs”.

(4) On March 16, 2012, United Nations and
League of Arab States Special Envoy Kofi Annan
presented a six-point peace plan for Syria that called
on the Government of Syria to, among other
things—

(A) commit to stop the fighting and ur-
gently achieve a United Nations-supervised ces-
sation of violence;
(B) cease military activity in and around civilian population centers;

(C) work with the Envoy in an inclusive Syrian-led political process;

(D) ensure timely provision of humanitarian assistance;

(E) release arbitrarily detained persons;

(F) ensure freedom of movement for journalists; and

(G) respect freedom of association and the right to demonstrate peacefully.

(5) As of February 2013, the United Nations estimated that nearly 70,000 people have been killed as a result of the violence in Syria.

(6) As a result of the violence, the United Nations estimates that 4,000,000 people are in need of humanitarian assistance, including access to food, water, shelter, and medical care: the Syrian Arab Red Crescent estimates that, more than 2,500,000 are internally displaced in Syria. Basic services such as health care, education, electricity, and water have also been cut off in some parts of the country.

(7) Syria faces growing food insecurity, as wheat harvests have declined due to drought. The United Nations has been providing food aid to
1,500,000 Syrians since September 2012, with the number of people requiring such aid expected to reach 2,500,000 people in the months following February 2013.

(8) Millions of Syrians have fled their homes due to escalating violence. According to the United Nations, there are more than 1,000,000 Syrian refugees registered in Lebanon, Turkey, Jordan, Egypt, and Iraq, and even more who are unregistered. Also according to the Syrian Arab Red Crescent, more than 2,500,000 Syrians are displaced within the country. More than three-quarters of refugees and internally displaced persons are women and children, who are particularly vulnerable to economic and physical insecurity.

(9) In January 2013, a donor pledging conference was held in Kuwait, pledging an additional $1,500,000,000 in humanitarian assistance to the existing $1,000,000,000 already provided for Syria. The Governments of Kuwait, Saudi Arabia, and the United Arab Emirates each pledged $300,000,000. Kuwait’s ambassador to the European Union called it the “largest humanitarian pledging conference in the history of the United Nations”. According to the United Nations, only 13 percent of the
$1,500,000,000 pledged in Kuwait has been received to date.

(10) Challenges exist to ensure this assistance reaches those who need it. An agreement between the United Nations and the Syrian regime to facilitate the delivery of humanitarian assistance in the country has allowed aid workers greater access to victims of the conflict. However, staff of the International Committee of the Red Cross and the Syrian Arab Red Crescent cite security concerns as a major obstacle to aid distribution. The Government of Syria is also refusing to grant visas for aid workers from countries that have criticized the regime, including the United States, Canada, the United Kingdom, and France.

(11) Amnesty International’s 2012 Annual Report on Syria, along with the findings of other human rights groups, details a number of atrocities in Syria. In November 2012, the United Nations Human Rights Council’s Independent International Commission of Inquiry indicated that Syria’s military forces have employed “killings, torture, rape and other forms of sexual violence, imprisonment, or other forms of severe deprivation of liberty and enforced disappearances” to maintain their hold on the
country. Human Rights Watch raises concerns that authorities in Syria could choose to kill detainees rather than allow them to be released in the event of a political transition.

(12) As of March 2013, according to the Department of State, the United States Government has provided nearly $385,000,000 in humanitarian assistance to support those affected by the violence in Syria. On February 28, 2013, the United States Government announced its plans to provide an additional $63,000,000 in non-lethal assistance to the Syrian Opposition Coalition and the Supreme Military Council.

(13) On February 18, 2013, the Council of the European Union called on the Syrian regime to allow the delivery of humanitarian assistance to reach all those in need and amended their sanctions against the regime to allow greater non-lethal support and technical assistance to the opposition for the protection of civilians.

(14) The February 26, 2013, communique by the Friends of the Syrian People International Working Group on Sanctions “called on all states to take steps, in their own capacity, by imposing, at a minimum, an asset freeze on senior Syrian regime
officials involved in the repression, as well as an asset freeze on, and restrictions on transactions with banks tied with the Syrian regime such as the Central Bank of Syria, the Commercial Bank of Syria and the Syrian International Islamic Bank”.

(15) According to the Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions Covering 1 January to 31 December 2011, “Syria has had a [chemical weapons] program for many years and has a stockpile of CW agents, which can be delivered by aerial bombs, ballistic missiles, and artillery rockets.” In a hearing before the Committee on Armed Services of the Senate in March 2012, Chairman of the Joint Chiefs of Staff General Martin Dempsey testified that the magnitude of Syria’s chemical weapons arsenal was “100 times more than we experienced in Libya”. The Government of Syria’s stockpiles are thought to include mustard, sarin, and VX gases.

(16) There are concerns about the existence of numerous rebel militias and their role in Syria during a post-transition period. On June 30, 2012, during an international meeting on Syria in Geneva, Special Envoy Kofi Annan said, “A transition must
be implemented in a climate of safety for all, stability and calm, including completion of withdrawals and the disarming, demobilization and reintegration of armed groups.”

(17) According to reports, the Government of Iran provides resources and military training to groups such as Jaysh al-Shi’ite. These groups also receive military training from Hezbollah and Iran’s Islamic Revolutionary Guard Corps (IRGC).

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to strongly condemn the ongoing violence and widespread human rights violations perpetrated against the Syrian people by the regime of President Bashar al-Assad;

(2) to support civilians and innocent victims of the conflict in Syria, particularly women and children who are displaced and vulnerable to physical and psychological exploitation;

(3) to assist the people of Syria in meeting basic needs, including access to food, health care, shelter, and clean drinking water;

(4) to affirm the neutrality of medical professionals providing humanitarian assistance and health care on a non-political basis and to condemn attacks
against such personnel or interference in the provision of medical care;

(5) to support efforts of democratically oriented political opposition groups in Syria to agree upon a political transition plan that is inclusive and protects the rights of all minority ethnic groups in the country;

(6) to work with the international community, including multilateral organizations and host countries, to support Syrian refugees in Lebanon, Turkey, Jordan, Egypt, Iraq, and other host countries;

(7) to welcome the pledges of humanitarian assistance made by the Governments of Australia, Botswana, Brazil, Canada, China, India, Japan, Republic of Korea, Kuwait, Morocco, New Zealand, Qatar, Saudi Arabia, Turkey, the United Arab Emirates, and members of the European Union, and to encourage prompt delivery of those pledges which will contribute to meeting the needs of the victims of this conflict, and to encourage all donors to coordinate with the United Nations;

(8) to support efforts to identify, recover, and dispose of chemical weapons and other conventional and unconventional weapons stockpiled in Syria;
(9) that the National Coalition for Syrian Revolutionary and Opposition Forces (SOC) is the sole and legitimate representative of the Syrian people;

(10) to support the National Coalition for Syrian Revolutionary and Opposition Forces (SOC) efforts to establish a transitional government;

(11) to support transparent and impartial judicial processes, in which Syrians have a leading voice, for all those who have committed gross violations of human rights and international law, while noting that the majority of these violations have been committed by the Assad regime;

(12) to help ensure that, once a stable transitional government is established in Syria, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, protection of refugees and asylees, promoting peace and stability with its neighbors, enhancing the rule of law, and rehabilitating and re-integrating former combatants; and

(13) to affirm that the end of the Assad regime is in the national security interests of the United States, as it would weaken the position of Iran and Hezbollah in the region and allow for the return of
displaced persons currently seeking refuge in host
countries.

SEC. 4. ASSISTANCE TO THE SYRIAN PEOPLE.

(a) Authority.—The President is authorized, not-
withstanding any other provision of law, to furnish, on
such terms and conditions as the President may deter-
mine, assistance in order to—

(1) provide enhanced support for humanitarian
activities taking place in and outside Syria, including
the provision of food, shelter, water, health care, and
medical supplies;

(2) support efforts for a peaceful resolution of
the conflict in Syria as well as the establishment of
an inclusive representative form of government in
Syria;

(3) continue to encourage the participation of
all groups, including women, business leaders, civil
society organizations, traditional and religious lead-
ers, and minority groups in efforts for a peaceful
resolution of the conflict and political transition in
Syria;

(4) encourage the Arab League and other inter-
national bodies to insist that transitional and future
governments are committed to multiparty democ-
raey, open and transparent governance, respect for
human rights and religious freedom, ending the vio-
lence throughout the country, promoting peace and
stability with Syria’s neighbors, enhancing the rule
of law and combating corruption, and rehabilitating
and reintegrating former combatants;

(5) contribute seed funding to establish a Syria
Reconstruction Fund, which would leverage con-
tributions from other international donors and be
used for the physical reconstruction and re-establish-
ment of basic services in Syria after the cessation of
the conflict and the fall of the Assad regime;

(6) contribute future capacity building for le-
gitimate governing institutions after a political tran-
sition takes place in Syria;

(7) support post-transition efforts, including
programs for demobilizing and reintegrating former
combatants; and

(8) expand the public awareness-raising cam-
paign of the United States Government about
United States humanitarian assistance efforts
through both English-language and regional tradi-
tional media sources, as well as social or new media
sources.

(b) FUNDING.—
(1) Fiscal Years 2014 and 2015.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for fiscal years 2014 and 2015, such sums as may be necessary should be allocated for bilateral assistance programs in Syria.

(2) Future Funding.—It is the sense of Congress that the Department of State should submit a budget request for fiscal year 2015 that contains an appropriate increase in bilateral and multilateral assistance for Syria based on progress toward accomplishing the policy objectives described in section 3.

(3) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraphs (1) and (2)—

(A) are authorized to remain available until expended; and

(B) are in addition to funds otherwise available for such purposes.

c) Coordination With Other Donor Nations.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the people of Syria and accomplish the policy objectives described in section 3.

(d) Branding Requirement.—
(1) IN GENERAL.—All assistance made available under this section shall be identified as being “From the American People” if the relevant Assistant Secretary of State, in consultation with the implementing partner, determines that such identification would not—

(A) jeopardize the safety or impartiality of implementing partners that deliver the assistance;

(B) jeopardize the health and safety of the intended beneficiaries;

(C) compromise the intrinsic independence or neutrality of a program or materials where implementing partner independence or neutrality is inherently important to the success of the effort;

(D) undermine United States efforts to empower the democratically inclined political opposition; or

(E) otherwise render the provision of assistance impracticable.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting the identification of assistance with a contractor or grantee’s own organizational brand or logo, subject
to any standards or regulations that the President may establish.

(e) Notification Requirement.—

(1) In General.—In cases where the authority in this section is relied upon to overcome applicable restrictions on the provision of assistance to Syria, obligation of such funds shall be subject to the regular 15-day notification procedures.

(2) Waiver.—Notification under paragraph (1) may be waived if failure to do so would pose a substantial risk to human health or welfare, in which case notification shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable. The waiver shall be accompanied by an explanation of the emergency circumstances necessitating the waiver.

SEC. 5. INCREASING ASSISTANCE TO THE NATIONAL COALITION FOR SYRIAN REVOLUTIONARY AND OPPOSITION FORCES.

(a) Authority.—The President is authorized, notwithstanding any other provision of law, to furnish assistance, and make contributions, in order to—

(1) increase the provision of training to and build the capacity of the Syrian Opposition Coalition
and the Assistance Coordination Unit to enhance
their ability to provide basic services to the people
of Syria and establish the beginnings of a func-
tioning government;

(2) provide training in international humani-
tarian law and the law of armed conflict to members
of the Syrian Opposition Coalition and Free Syrian
Army;

(3) provide non-lethal equipment and training,
including training and equipment related to chemical
weapons and equipment such as body armor, night
vision equipment, and communications equipment, to
vetted members of the Free Syrian Army, to im-
prove their ability to conduct operations and provide
security for convoys of humanitarian assistance in-
side Syria;

(4) provide special operations training to vetted
members of the Free Syrian Army; and

(5) allocate additional Department of State per-
sonnel to conduct thorough vetting of opposition in-
dividuals receiving aid.

(b) FUNDING FOR FISCAL YEARS 2014 AND 2015.—
Of the amounts made available to carry out the Foreign
Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for fiscal
years 2014 and 2015, such sums as may be necessary
should be allocated to build the capacity of the Coalition for Syrian Revolutionary and Opposition Forces.

(c) Notification Requirement.—

(1) In general.—In cases where the authority in this section is relied upon to overcome applicable restrictions on the provision of assistance to Syria, obligation of such funds shall be subject to the regular 15-day notification procedures.

(2) Waiver.—Notification under paragraph (1) may be waived if failure to do so would pose a substantial risk to human health or welfare, in which case notification shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable. The waiver shall be accompanied by an explanation of the emergency circumstances necessitating the waiver.

SEC. 6. IMPOSITION AND CONDITIONAL TERMINATION OF SANCTIONS.

(a) Definitions.—In this section:

(1) Account; correspondent account; payable-through account.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.
(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Ways and Means, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(3) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(b) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF SYRIA AND OTHER SYRIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The President should prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the
President determines has knowingly conducted any significant arms sale to the Government of Bashar al Assad through the Central Bank of Syria or another Syrian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any Syrian individual or entity added after April 28, 2011, and before the date of the enactment of this Act to the Specially Designated Nationals List maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(2) Exception for humanitarian transactions.—The President may not impose sanctions under paragraph (1) on a foreign financial institution for engaging in a transaction with the Central Bank of Syria for the sale of food, medicine, medical devices, donations intended to relieve human suffering, or non-lethal aid to the people of Syria.

(3) Applicability.—Paragraph (1) applies with respect to financial transactions commenced on or after the date of the enactment of this Act.

(4) Waiver.—

(A) In general.—The President may waive the application of paragraph (1) with re-
pect to a foreign financial institution for a pe-
period of not more than 180 days, and may renew
that waiver for additional periods of not more
than 180 days, if the President determines and
reports to the appropriate congressional com-
mittees that the waiver is necessary to the na-
tional security interest of the United States.

(B) FORM.—A report submitted pursuant
to subparagraph (A) shall be submitted in un-
classified form, but may contain a classified
annex.

(c) TERMINATION OF SANCTIONS.—

(1) IN GENERAL.—The requirements under
subsection (b) to impose sanctions shall no longer
have force or effect with respect to Syria if the
President determines and certifies to the appropriate
congressional committees that the termination of
such sanctions is in the national security interest of
the United States.

(2) NOTIFICATION REQUIREMENT.—Upon mak-
ing the certification described in paragraph (1), the
President shall submit to the appropriate congress-
ional committees a report assessing—

(A) the extent to which Bashar al-Assad or
members of his regime control Syrian territory;
(B) the existence and capability of a democratic transitional government to control Syrian territory and provide basic services to the Syrian people;

(C) whether the transitional government supports acts of terrorism or has committed human rights violations; and

(D) whether the transitional government is cooperating with the United States Government in locating, securing, and removing conventional and unconventional weapons.

SEC. 7. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The President should instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, United Nations Children’s Fund, and the United Nations High Commissioner for Refugees, and other appropriate international organizations such as the International Committee of the Red Cross to use the voice and vote of the United States to support additional humanitarian and development assistance for the people of Syria in order to accomplish the
policy objectives described in section 3. The President is authorized, notwithstanding any other provision of law, to permit the United States to vote and take action in favor of the provision of assistance for Syria at any international financial institution in order to support the transition to peace, democracy, and sustainable development in Syria.

(b) Notification Requirement.—

(1) In general.—In cases where the authority in this section is relied upon to overcome applicable restrictions on the provision of assistance to Syria, obligation of such funds shall be subject to the regular 15-day notification procedures.

(2) Waiver.—Notification under paragraph (1) may be waived if failure to do so would pose a substantial risk to human health or welfare, in which case notification shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable. The waiver shall be accompanied by an explanation of the emergency circumstances necessitating the waiver.
SEC. 8. INCREASING BILATERAL ASSISTANCE TO COUNTRIES THAT HOST SYRIAN REFUGEES.

(a) Authority.—The President should increase bilateral funding to countries, including Iraq, Jordan, Turkey, Egypt, and Lebanon, which have experienced an influx of refugees from Syria.

(b) Funding for Fiscal Years 2014 and 2015.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for fiscal years 2014 and 2015, such sums as may be necessary should be allocated for bilateral refugee assistance programs in the countries surrounding Syria.

SEC. 9. COORDINATION OF INTERNATIONAL ASSISTANCE FOR SYRIA.

(a) Establishment.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State should work with the appropriate United Nations agencies, the International Committee of the Red Cross, regional organizations, nongovernmental organizations, and the broader international community to convene an international donors group to maximize resources and efficiently provide humanitarian assistance to the people of Syria.

(b) Purpose.—The Secretary of State should take steps to ensure donor groups coordinate resources for the following activities in Syria and the region:
(1) Providing humanitarian relief to civilians impacted by the violence in Syria and Syrian refugees in host countries.

(2) Supporting inclusive post-transitional governance and the establishment of the rule of law.

(3) Supporting disarmament, demobilization, and reintegation of combatants and members of militias.

(e) Annual Report.—The Department of State shall submit a report on the specific programs, projects, and activities funded by the donors group and implemented by humanitarian organizations during the preceding year, including an evaluation of the results of such programs, projects, and activities.

SEC. 10. SECURING WEAPONS IN SYRIA.

(a) Transition Plan.—The United States should work with regional partners to develop a plan, to be implemented in the event of a political transition, to—

(1) identify and secure conventional and unconventional weapons stockpiles in Syria;

(2) recover and dispose of all unconventional weapons stockpiled in Syria, with particular attention to chemical weapons; and
(3) prevent the illicit sale or transfer of conventional and unconventional weapons out of Syria in order to preclude regional weapons proliferation.

(b) Sense of Congress.—It is the sense of Congress that the Department of State should submit a budget request for fiscal year 2014 that contains an increase in bilateral nonproliferation, demining, and anti-terrorism assistance for Syria toward accomplishing the policy objectives described in this section.

(c) Authority.—The President is authorized, notwithstanding any other provision of law, to furnish, assistance in order to conduct activities in support of the purposes of this section.

(d) Notification Requirement.—

(1) In general.—In cases where the authority in this section is relied upon to overcome applicable restrictions on the provision of assistance to Syria, obligation of such funds shall be subject to the regular 15-day notification procedures.

(2) Waiver.—Notification under paragraph (1) may be waived if failure to do so would pose a substantial risk to human health or welfare, in which case notification shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement
was applicable. The waiver shall be accompanied by
an explanation of the emergency circumstances ne-
cessitating the waiver.

SEC. 11. REPORT ON HUMANITARIAN AND STABILIZATION
EFFORTS IN SYRIA.

Not later than 60 days after the date of the enact-
ment of this Act, and annually thereafter, the President
shall submit to Congress a detailed report on the imple-
mentation of this Act, including a description of—

(1) progress made as a result of humanitarian
and stabilization efforts, including refugee assistance
to those affected by the violence in Syria;

(2) progress made toward establishing an inclu-
sive, democratic government that protects the rights
of all Syrians; and

(3) key challenges, gaps, and obstacles to fur-
ther enhancing stability and peace in Syria, includ-
ing between Syria and its neighbors.