

CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2017

MAY 11, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROYCE of California, from the Committee on Foreign Affairs, submitted the following

R E P O R T

[To accompany H.R. 1677]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 1677) to halt the wholesale slaughter of the Syrian people, encourage a negotiated political settlement, and hold Syrian human rights abusers accountable for their crimes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

TABLE OF CONTENTS

	Page
The Amendment	1
Purpose of Legislation	14
Background and Need for Legislation	15
Summary of the Legislation	20
Hearings/Briefings	21
Committee Consideration	21
Committee Oversight Findings	21
New Budget Authority, Tax Expenditures, and Federal Mandates	22
Congressional Budget Office Cost Estimate	22
Directed Rule Making	23
Non-Duplication of Federal Programs	24
Performance Goals and Objectives	24
Congressional Accountability Act	24
New Advisory Committees	24
Earmark Identification	24
Section-by-Section Analysis	24
Changes in Existing Law Made by the Bill, as Reported	29

THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Caesar Syria Civilian Protection Act of 2017”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
 Sec. 2. Sense of Congress.
 Sec. 3. Statement of policy.

TITLE I—ADDITIONAL ACTIONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA

- Sec. 101. Sanctions with respect to Central Bank of Syria and foreign persons that engage in certain transactions.
 Sec. 102. Prohibitions with respect to the transfer of arms and related materials to Syria.
 Sec. 103. Rule of construction.
 Sec. 104. Definitions.

TITLE II—AMENDMENTS TO SYRIA HUMAN RIGHTS ACCOUNTABILITY ACT OF 2012

- Sec. 201. Imposition of sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.
 Sec. 202. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses.
 Sec. 203. Imposition of sanctions with respect to persons who hinder humanitarian access.
 Sec. 204. Report on certain persons who are responsible for or complicit in certain human rights abuses in Syria.

TITLE III—REPORTS AND WAIVER FOR HUMANITARIAN-RELATED ACTIVITIES WITH RESPECT TO SYRIA

- Sec. 301. Briefing on monitoring and evaluating of ongoing assistance programs in Syria and to the Syrian people.
 Sec. 302. Assessment of potential methods to enhance the protection of civilians.
 Sec. 303. Assistance to support entities taking actions relating to gathering evidence for investigations into war crimes or crimes against humanity in Syria since March 2011.

TITLE IV—SUSPENSION OF SANCTIONS WITH RESPECT TO SYRIA

- Sec. 401. Suspension of sanctions with respect to Syria.
 Sec. 402. Waivers and exemptions.

TITLE V—REGULATORY AUTHORITY, COST LIMITATION, AND SUNSET

- Sec. 501. Implementation and regulatory authorities.
 Sec. 502. Cost limitation.
 Sec. 503. Authority to consolidate reports.
 Sec. 504. Sunset.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Bashar al-Assad’s murderous actions against the people of Syria have directly contributed to the deaths of more than 480,000 civilians, led to the destruction of more than 50 percent of Syria’s critical infrastructure, and forced the displacement of more than 14,000,000 people, precipitating one of the worst humanitarian crises in more than 60 years;

(2) international actions to protect vulnerable populations from attack by uniformed and irregular forces associated with the Assad regime, including Hezbollah, on land and by air, including through the use of barrel bombs, chemical weapons, mass starvation, industrial-scale torture and execution of political dissidents, sniper attacks against pregnant women, and the deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets, have been insufficient to date;

(3) Assad’s use of chemical weapons, including chlorine, against the Syrian people violates the Chemical Weapons Convention, to which Syria is a party;

(4) Assad’s abhorrent use of chemical weapons, most recently on April 4, 2017, in an attack on the town of Khan Shakhyn in which more than 90 people died, including women and children, and more than 600 hundred people were injured, is condemned in the strongest terms;

(5) violent attacks resulting in death, injury, imprisonment or threat of prosecution against humanitarian aid workers and diplomatic personnel, as well as attacks on humanitarian supplies, facilities, transports, and assets, and acts to impede the access and secure movement of all humanitarian personnel are in violation of international humanitarian law and impede the lifesaving work of humanitarian organizations and diplomatic institutions; and

(6) Assad’s continued claim of leadership and war crimes in Syria have served as a rallying point for the extremist ideology of the Islamic State, Jabhat al-Nusra, and other terrorist organizations.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States that all diplomatic and coercive economic means should be utilized to compel the government of Bashar al-Assad to imme-

diately halt the wholesale slaughter of the Syrian people and to support an immediate transition to a democratic government in Syria that respects the rule of law, human rights, and peaceful co-existence with its neighbors.

TITLE I—ADDITIONAL ACTIONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA

SEC. 101. SANCTIONS WITH RESPECT TO CENTRAL BANK OF SYRIA AND FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) **APPLICATION OF CERTAIN MEASURES TO CENTRAL BANK OF SYRIA.**—Except as provided in subsections (a) and (b) of section 402, the President shall apply the measures described in section 5318A(b)(5) of title 31, United States Code, to the Central Bank of Syria.

(b) **BLOCKING PROPERTY OF FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.**—

(1) **IN GENERAL.**—Beginning on and after the date that is 30 days after the date of the enactment of this Act, the President shall impose on a foreign person the sanctions described in subsection (c) if the President determines that such foreign person, on or after such date of enactment, knowingly engages in an activity described in paragraph (2).

(2) **ACTIVITIES DESCRIBED.**—A foreign person engages in an activity described in this paragraph if the foreign person—

(A) knowingly provides significant financial, material or technological support to (including engaging in or facilitating a significant transaction or transactions with) or provides significant financial services for—

(i) the Government of Syria (including government entities operating as a business enterprise) and the Central Bank of Syria, or any of its agencies or instrumentalities; or

(ii) a foreign person subject to sanctions pursuant to—

(I) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria; or

(II) a resolution that is agreed to by the United Nations Security Council that imposes sanctions with respect to Syria;

(B) knowingly—

(i) sells or provides significant goods, services, technology, information, or other support that directly and significantly facilitates the maintenance or expansion of the Government of Syria's domestic production of natural gas or petroleum or petroleum products of Syrian origin in areas controlled by the Government of Syria or associated forces;

(ii) sells or provides to the Government of Syria crude oil or condensate, refined petroleum products, liquefied natural gas, or petrochemical products that have a fair market value of \$500,000 or more or that during a 12-month period have an aggregate fair market value of \$2,000,000 or more in areas controlled by the Government of Syria or associated forces;

(iii) sells or provides aircraft or spare parts, or provides significant goods, services, or technologies associated with the operation of such aircraft or air carriers to any foreign person operating in areas controlled by the Government of Syria or associated forces that are used, in whole or in part, for military purposes; or

(iv) sells or provides significant goods, services, or technology to a foreign person operating in the shipping (including ports and free trade zones), transportation, or telecommunications sectors in areas controlled by the Government of Syria or associated forces;

(C) knowingly facilitates efforts by a foreign person to carry out an activity described in subparagraph (A) or (B); or

(D) knowingly provides significant loans, credits, including export credits, or financing to carry out an activity described in subparagraph (A) or (B).

(c) **SANCTIONS AGAINST A FOREIGN PERSON.**—The sanctions to be imposed on a foreign person described in subsection (b) are the following:

(1) **IN GENERAL.**—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and in-

terests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a) is—

- (i) inadmissible to the United States;
- (ii) ineligible to receive a visa or other documentation to enter the United States; and
- (iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (a) regardless of when issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i)—

- (I) shall take effect immediately; and
- (II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(4) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 501(a) to carry out paragraph (1) of this subsection to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of that Act.

SEC. 102. PROHIBITIONS WITH RESPECT TO THE TRANSFER OF ARMS AND RELATED MATERIALS TO SYRIA.

(a) SANCTIONS.—

(1) IN GENERAL.—Beginning on and after the date that is 30 days after the date of the enactment of this Act, the President shall impose on a foreign person the sanctions described in subsection (b) if the President determines that such foreign person, on or after such date of enactment, knowingly exports, transfers, or provides significant financial, material, or technological support to the Government of Syria to—

- (A) acquire or develop chemical, biological, or nuclear weapons or related technologies;
- (B) acquire or develop ballistic or cruise missile capabilities;
- (C) acquire or develop destabilizing numbers and types of advanced conventional weapons; or
- (D) acquire defense articles, defense services, or defense information (as such terms are defined under the Arms Export Control Act (22 U.S.C. 2751 et seq.)), if the President determines that a significant type or amount of such articles, services, or information has been so acquired.

(2) APPLICABILITY TO OTHER FOREIGN PERSONS.—The sanctions described in subsection (b) shall also be imposed on any foreign person that is a successor entity to a foreign person described in paragraph (1).

(b) SANCTIONS AGAINST A FOREIGN PERSON.—The sanctions to be imposed on a foreign person described in subsection (a) are the following:

(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secre-

taries) knows, or has reason to believe, meets any of the criteria described in subsection (a) is—

- (i) inadmissible to the United States;
- (ii) ineligible to receive a visa or other documentation to enter the United States; and
- (iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) **IN GENERAL.**—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (a) regardless of when issued.

(ii) **EFFECT OF REVOCATION.**—A revocation under clause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(4) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 103. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 104. DEFINITIONS.

In this title:

(1) **ADMITTED; ALIEN.**—The terms “admitted” and “alien” have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **FINANCIAL, MATERIAL, OR TECHNOLOGICAL SUPPORT.**—The term “financial, material, or technological support” has the meaning given such term in section 542.304 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(3) **FOREIGN PERSON.**—The term “foreign person” means any citizen or national of a foreign country, or any entity not organized solely under the laws of the United States or existing solely in the United States.

(4) **GOVERNMENT OF SYRIA.**—The term “Government of Syria” has the meaning given such term in section 542.305 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(5) **KNOWINGLY.**—The term “knowingly” has the meaning given such term in section 566.312 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(6) **PERSON.**—The term “person” means an individual or entity.

(7) **PETROLEUM OR PETROLEUM PRODUCTS OF SYRIAN ORIGIN.**—The term “petroleum or petroleum products of Syrian origin” has the meaning given such term in section 542.314 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(8) **SIGNIFICANT TRANSACTION OR TRANSACTIONS; SIGNIFICANT FINANCIAL SERVICES.**—A transaction or transactions or financial services shall be determined to be a significant for purposes of this section in accordance with section 566.404 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(9) **SYRIA.**—The term “Syria” has the meaning given such term in section 542.316 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(10) **UNITED STATES PERSON.**—The term “United States person” means any United States citizen, permanent resident alien, entity organized under the

laws of the United States (including foreign branches), or any person in the United States.

TITLE II—AMENDMENTS TO SYRIA HUMAN RIGHTS ACCOUNTABILITY ACT OF 2012

SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

(a) **IN GENERAL.**—Section 702(c) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791(c)) is amended to read as follows:

“(c) **SANCTIONS DESCRIBED.**—

“(1) **IN GENERAL.**—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) **ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.**—

“(A) **VISAS, ADMISSION, OR PAROLE.**—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (b) is—

“(i) inadmissible to the United States;

“(ii) ineligible to receive a visa or other documentation to enter the United States; and

“(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) **CURRENT VISAS REVOKED.**—

“(i) **IN GENERAL.**—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (b) regardless of when issued.

“(ii) **EFFECT OF REVOCATION.**—A revocation under clause (i)—

“(I) shall take effect immediately; and

“(II) shall automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

“(3) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

“(4) **REGULATORY AUTHORITY.**—The President shall, not later than 180 days after the date of the enactment of this section, promulgate regulations as necessary for the implementation of this section.

“(5) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

“(6) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), relevant Executive orders, regulations, or other provisions of law.”

(b) **SERIOUS HUMAN RIGHTS ABUSES DESCRIBED.**—Section 702 of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791) is amended by adding at the end the following:

“(d) **SERIOUS HUMAN RIGHTS ABUSES DESCRIBED.**—In subsection (b), the term ‘serious human rights abuses’ includes—

“(1) the deliberate targeting of civilian infrastructure to include schools, hospitals, markets, and other infrastructure that is essential to human life, such as power and water systems; and

“(2) the deliberate diversion, hindering, or blocking of access for humanitarian purposes, including access across conflict lines and borders.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to the imposition of sanctions under section 702(a) of the Syria Human Rights Accountability Act of 2012 on after such date of enactment.

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

Section 703(b)(2)(C) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8792(b)(2)(C)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(iii) any article—

“(I) designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)); and

“(II) with respect to which the President determines is significant for purposes of the imposition of sanctions under subsection (a); or

“(iv) other goods or technologies that the President determines may be used by the Government of Syria to commit human rights abuses against the people of Syria.”.

SEC. 203. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO HINDER HUMANITARIAN ACCESS.

(a) **IN GENERAL.**—The Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791 et seq.) is amended—

(1) by redesignating sections 705 and 706 as sections 706 and 707, respectively;

(2) by inserting after section 704 the following:

“SEC. 705. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO HINDER HUMANITARIAN ACCESS.

“(a) **IN GENERAL.**—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).

“(b) **LIST OF PERSONS WHO HINDER HUMANITARIAN ACCESS.**—

“(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of the Caesar Syria Civilian Protection Act of 2017, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in deliberate diversion, hindering, or blocking of access for humanitarian purposes for the United Nations, its specialized agencies and implementing partners, national and international nongovernmental organizations, and all other actors engaged in humanitarian relief activities in Syria, including through the deliberate targeting of such humanitarian actors and activities in Syria and across conflict lines and borders.

“(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) not later than 300 days after the date of the enactment of the Caesar Syria Civilian Protection Act of 2017 and every 180 days thereafter; and

“(B) as new information becomes available.

“(3) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.”; and

(3) in section 706 (as so redesignated), by striking “or 704” and inserting “704, or 705”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Syria Human Rights Accountability Act of 2012 is amended by inserting after the item relating to section 704 the following new item:

“Sec. 705. Imposition of sanctions with respect to persons who hinder humanitarian access.”.

SEC. 204. REPORT ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES IN SYRIA.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a detailed report with respect to whether each person described in subsection (c) meets the requirements described in section 702(b) of the Syria Human Rights Account-

ability Act of 2012 (22 U.S.C. 8791(b)) for purposes of inclusion on the list of persons who are responsible for or complicit in certain human rights abuses under such section.

(b) JUSTIFICATION.—The President shall include in the report required by subsection (a) a description of the reasons why any of the persons described in subsection (c) do not meet the requirements described in section 702(b) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791(b)), including information on whether sufficient credible evidence of responsibility for such abuses was found or whether any of the persons described in subsection (c) have been designated pursuant to—

(1) Executive Order 13572 of April 29, 2011 (76 Fed. Reg. 24787; relating to blocking property of certain persons with respect to human rights abuses in Syria);

(2) Executive Order 13573 of May 18, 2011 (76 Fed. Reg. 29143; relating to blocking property of senior officials of the Government of Syria);

(3) Executive Order 13582 of August 17, 2011 (76 Fed. Reg. 52209; relating to blocking property of the Government of Syria and prohibiting certain transactions with respect to Syria); or

(4) Executive Order 13606 of April 22, 2012 (77 Fed. Reg. 24571; relating to blocking the property and suspending entry into the United States of certain persons with respect to grave human rights abuses by the Governments of Iran and Syria via information technology).

(c) PERSONS DESCRIBED.—The persons described in this subsection are the following:

- (1) Bashar Al-Assad.
- (2) Asma Al-Assad.
- (3) Rami Makhlof.
- (4) Bouthayna Shaaban.
- (5) Walid Moallem.
- (6) Ali Al-Salim.
- (7) Wael Nader Al-Halqi.
- (8) Jamil Hassan.
- (9) Suhail Hassan.
- (10) Ali Mamluk.
- (11) Muhammed Khadour, Deir Ez Zor Military and Security.
- (12) Jamal Razzouq, Security Branch 243.
- (13) Munzer Ghanam, Air Force Intelligence.
- (14) Daas Hasan Ali, Branch 327.
- (15) Jassem Ali Jassem Hamad, Political Security.
- (16) Samir Muhammad Youssef, Military Intelligence.
- (17) Ali Ahmad Dayoub, Air Force Intelligence.
- (18) Khaled Muhsen Al-Halabi, Security Branch 335.
- (19) Mahmoud Kahila, Political Security.
- (20) Zuhair Ahmad Hamad, Provincial Security.
- (21) Wafiq Nasser, Security Branch 245.
- (22) Qussay Mayoub, Air Force Intelligence.
- (23) Muhammad Ammar Sardini, Political Security.
- (24) Fouad Hammouda, Military Security.
- (25) Hasan Daaboul, Branch 261.
- (26) Yahia Wahbi, Air Force Intelligence.
- (27) Okab Saqer, Security Branch 318.
- (28) Husam Luqa, Political Security.
- (29) Sami Al-Hasan, Security Branch 219.
- (30) Yassir Deeb, Political Security.
- (31) Ibrahim Darwish, Security Branch 220.
- (32) Nasser Deeb, Political Security.
- (33) Abdullatif Al-Fahed, Security Branch 290.
- (34) Adeeb Namer Salamah, Air Force Intelligence.
- (35) Akram Muhammed, State Security.
- (36) Reyad Abbas, Political Security.
- (37) Ali Abdullah Ayoub, Syrian Armed Forces.
- (38) Fahd Jassem Al-Frej, Defense Ministry.
- (39) Issam Halaq, Air Force.
- (40) Ghassan Al-Abdullah, General Intelligence Directorate.
- (41) Maher Al-Assad, Republican Guard.
- (42) Fahad Al-Farouch.
- (43) Rafiq Shahada, Military Intelligence.
- (44) Loay Al-Ali, Military Intelligence.
- (45) Nawfal Al-Husayn, Military Intelligence.

(46) Muhammad Zamrini, Military Intelligence.

(47) Muhammad Mahallah, Military Intelligence.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(e) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

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

TITLE III—REPORTS AND WAIVER FOR HUMANITARIAN-RELATED ACTIVITIES WITH RESPECT TO SYRIA

SEC. 301. BRIEFING ON MONITORING AND EVALUATING OF ONGOING ASSISTANCE PROGRAMS IN SYRIA AND TO THE SYRIAN PEOPLE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the monitoring and evaluation of ongoing assistance programs in Syria and for the Syrian people, including assistance provided through multilateral organizations.

(b) MATTERS TO BE INCLUDED.—The briefing required by subsection (a) shall include—

(1) the specific project monitoring and evaluation efforts, including measurable goals and performance metrics for assistance in Syria;

(2) a description of the memoranda of understanding entered into by the Department of State, the United States Agency for International Development, and their respective Inspectors General and the multilateral organizations through which United States assistance will be delivered that formalize requirements for the sharing of information between such entities for the conduct of audits, investigations, and evaluations; and

(3) the major challenges to monitoring and evaluating such programs.

SEC. 302. ASSESSMENT OF POTENTIAL METHODS TO ENHANCE THE PROTECTION OF CIVILIANS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) assesses the potential effectiveness, risks, and operational requirements of the establishment and maintenance of a no-fly zone over part or all of Syria, including—

(A) the operational and legal requirements for United States and coalition air power to establish a no-fly zone in Syria;

(B) the impact a no-fly zone in Syria would have on humanitarian and counterterrorism efforts in Syria and the surrounding region; and

(C) the potential for force contributions from other countries to establish a no-fly zone in Syria;

(2) assesses the potential effectiveness, risks, and operational requirements for the establishment of one or more safe zones in Syria for internally displaced persons or for the facilitation of humanitarian assistance, including—

(A) the operational and legal requirements for United States and coalition forces to establish one or more safe zones in Syria;

(B) the impact one or more safe zones in Syria would have on humanitarian and counterterrorism efforts in Syria and the surrounding region; and

(C) the potential for contributions from other countries and vetted non-state actor partners to establish and maintain one or more safe zones in Syria;

(3) assesses the potential effectiveness, risks, and operational requirements of other non-military means to enhance the protection of civilians, especially civilians who are in besieged areas, trapped at borders, or internally displaced; and

(4) describes the Administration’s plan for recruitment, training, and retention of partner forces, including—

(A) identification of the United States partner forces operating on the ground;

(B) the primary source of strength for each armed actor engaged in hostilities;

(C) the capabilities, requirements, and vulnerabilities of each armed actor;

(D) the United States role in mitigating vulnerabilities of partner forces; and

(E) the Administration's measures of success for partner forces, including—

(i) increasing Syrian civilian security; and

(ii) working toward an end to the conflict in Syria.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(c) CONSULTATION.—The report required by subsection (a) shall be informed by consultations with the Department of State, the United States Agency for International Development, the Department of Defense, and international and local organizations operating in Syria or in neighboring countries to alleviate the suffering of the Syrian people.

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 303. ASSISTANCE TO SUPPORT ENTITIES TAKING ACTIONS RELATING TO GATHERING EVIDENCE FOR INVESTIGATIONS INTO WAR CRIMES OR CRIMES AGAINST HUMANITY IN SYRIA SINCE MARCH 2011.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights and Labor and the Assistant Secretary for International Narcotics and Law Enforcement Affairs, is authorized to provide assistance to support entities that are conducting criminal investigations, building Syrian investigative capacity, supporting prosecutions in national courts, collecting evidence and preserving the chain of evidence for eventual prosecution against those who have committed war crimes or crimes against humanity in Syria, including the aiding and abetting of such crimes by foreign governments and organizations supporting the Government of Syria, since March 2011.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on assistance provided under subsection (a).

TITLE IV—SUSPENSION OF SANCTIONS WITH RESPECT TO SYRIA

SEC. 401. SUSPENSION OF SANCTIONS WITH RESPECT TO SYRIA.

(a) SUSPENSION OF SANCTIONS.—

(1) NEGOTIATIONS NOT CONCLUDING IN AGREEMENT.—If the President determines that internationally recognized negotiations to resolve the violence in Syria have not concluded in an agreement or are likely not to conclude in an agreement, the President may suspend, as appropriate, in whole or in part, the imposition of sanctions otherwise required under this Act or any amendment made by this Act for a period not to exceed 120 days, and renewable for additional periods not to exceed 120 days, if the President submits to the appropriate congressional committees in writing a determination and certification that the Government of Syria has ended military attacks against and gross violations of the human rights of the Syrian people, specifically—

(A) the air space over Syria is no longer being utilized by the Government of Syria and associated forces to target civilian populations through the use of incendiary devices, including barrel bombs, chemical weapons, and conventional arms, including air-delivered missiles and explosives;

(B) areas besieged by the Assad regime and associated forces, including Hezbollah and irregular Iranian forces, are no longer cut off from international aid and have regular access to humanitarian assistance, freedom of travel, and medical care;

(C) the Government of Syria is releasing all political prisoners forcibly held within the Assad regime prison system, including the facilities maintained by various security, intelligence, and military elements associated with the Government of Syria and allowed full access to the same facilities for investigations by appropriate international human rights organizations; and

(D) the forces of the Government of Syria and associated forces, including Hezbollah, irregular Iranian forces, and Russian government air assets, are no longer engaged in deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets, in flagrant violation of international norms.

(2) NEGOTIATIONS CONCLUDING IN AGREEMENT.—

(A) INITIAL SUSPENSION OF SANCTIONS.—If the President determines that internationally recognized negotiations to resolve the violence in Syria have concluded in an agreement or are likely to conclude in an agreement, the President may suspend, as appropriate, in whole or in part, the imposition of sanctions otherwise required under this Act or any amendment made by this Act for a period not to exceed 120 days if the President submits to the appropriate congressional committees in writing a determination and certification that—

(i) in the case in which the negotiations are likely to conclude in an agreement—

(I) the Government of Syria, the Syrian High Negotiations Committee or its internationally-recognized successor, and appropriate international parties are participating in direct, face-to-face negotiations; and

(II) the suspension of sanctions under this Act or any amendment made by this Act is essential to the advancement of such negotiations; and

(ii) the Government of Syria has demonstrated a commitment to a significant and substantial reduction in attacks on and violence against the Syrian people by the Government of Syria and associated forces.

(B) RENEWAL OF SUSPENSION OF SANCTIONS.—The President may renew a suspension of sanctions under subparagraph (A) for additional periods not to exceed 120 days if, for each such additional period, the President submits to the appropriate congressional committees in writing a determination and certification that—

(i) the conditions described in clauses (i) and (ii) of subparagraph (A) are continuing to be met;

(ii) the renewal of the suspension of sanctions is essential to implementing an agreement described in subparagraph (A) or making progress toward concluding an agreement described in subparagraph (A);

(iii) the Government of Syria and associated forces have ceased attacks against Syrian civilians; and

(iv) the Government of Syria has publicly committed to negotiations for a transitional government in Syria and continues to demonstrate that commitment through sustained engagement in talks and substantive and verifiable progress towards the implementation of such an agreement.

(3) BRIEFING AND REIMPOSITION OF SANCTIONS.—

(A) BRIEFING.—Not later than 30 days after the President submits to the appropriate congressional committees a determination and certification in the case of a renewal of suspension of sanctions under paragraph (2)(B), and every 30 days thereafter, the President shall provide a briefing to the appropriate congressional committees on the status and frequency of negotiations described in paragraph (2).

(B) RE-IMPOSITION OF SANCTIONS.—If the President provides a briefing to the appropriate congressional committees under subparagraph (A) with respect to which the President indicates a lapse in negotiations described in paragraph (2) for a period that equals or exceeds 90 days, the sanctions that were suspended under paragraph (2)(B) shall be re-imposed and any further suspension of such sanctions is prohibited.

(4) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

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

(b) SENSE OF CONGRESS TO BE CONSIDERED FOR DETERMINING A TRANSITIONAL GOVERNMENT IN SYRIA.—It is the sense of Congress that a transitional government in Syria is a government that—

(1) is taking verifiable steps to release all political prisoners and is providing full access to Syrian prisons for investigations by appropriate international human rights organizations;

(2) is taking verifiable steps to remove former senior Syrian Government officials who are complicit in the conception, implementation, or cover up of war crimes, crimes against humanity, or human rights abuses and any person subject to sanctions under any provision of law from government positions;

(3) is in the process of organizing free and fair elections for a new government—

(A) to be held in a timely manner and scheduled while the suspension of sanctions or the renewal of the suspension of sanctions under this section is in effect; and

(B) to be conducted under the supervision of internationally recognized observers;

(4) is making tangible progress toward establishing an independent judiciary;

(5) is demonstrating respect for and compliance with internationally recognized human rights and basic freedoms as specified in the Universal Declaration of Human Rights;

(6) is taking steps to verifiably fulfill its commitments under the Chemical Weapons Convention and the Treaty on the Non-Proliferation of Nuclear Weapons and is making tangible progress toward becoming a signatory to Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, entered into force March 26, 1975, and adhering to the Missile Technology Control Regime and other control lists, as necessary;

(7) has halted the development and deployment of ballistic and cruise missiles; and

(8) is taking verifiable steps to remove from positions of authority within the intelligence and security services as well as the military those who were in a position of authority or responsibility during the conflict and who under the authority of their position were implicated in or implicit in the torture, extrajudicial killing, or execution of civilians, to include those who were involved in decisionmaking or execution of plans to use chemical weapons.

SEC. 402. WAIVERS AND EXEMPTIONS.

(a) EXEMPTIONS.—The following activities and transactions shall be exempt from sanctions authorized under this Act or any amendment made by this Act:

(1) Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) Any transaction necessary to comply with United States obligations under—

(A) the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947;

(B) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967; or

(C) any other international agreement to which the United States is a party.

(b) HUMANITARIAN, STABILIZATION, AND DEMOCRACY ASSISTANCE WAIVER.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to fully utilize the waiver authority under this subsection to ensure that adequate humanitarian relief or support for stabilization and democracy promotion is provided to the Syrian people.

(2) WAIVER.—Except as provided in paragraph (5) and subsection (d), the President may waive, on a case-by-case basis, for a period not to exceed one year, and renewable for additional periods not to exceed one year, the application of sanctions authorized under this Act with respect to a person if the President submits to the appropriate congressional committees a written determination that the waiver is necessary for purposes of providing humanitarian or stabilization assistance or support for democracy promotion to the people of Syria.

(3) CONTENT OF WRITTEN DETERMINATION.—A written determination submitted under paragraph (2) with respect to a waiver shall include a description

of all notification and accountability controls that have been employed in order to ensure that the activities covered by the waiver are humanitarian or stabilization assistance or support for democracy promotion and do not entail any activities in Syria or dealings with the Government of Syria not reasonably related to humanitarian or stabilization assistance or support for democracy promotion.

(4) CLARIFICATION OF PERMITTED ACTIVITIES UNDER WAIVER.—The President may not impose sanctions authorized under this Act against a humanitarian organization for—

(A) engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes pursuant to a waiver issued under paragraph (2);

(B) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes pursuant to such a waiver; or

(C) having incidental contact, in the course of providing humanitarian assistance or aid for humanitarian purposes pursuant to such a waiver, with individuals who are under the control of a foreign person subject to sanctions under this Act or any amendment made by this Act unless the organization or its officers, members, representatives or employees have engaged in (or the President knows or has reasonable ground to believe is engaged in or is likely to engage in) conduct described in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)).

(5) EXCEPTION TO WAIVER AUTHORITY.—The President may not exercise the waiver authority under paragraph (2) with respect to a foreign person who has (or whose officers, members, representatives or employees have) engaged in (or the President knows or has reasonable ground to believe is engaged in or is likely to engage in) conduct described in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)).

(c) WAIVER.—

(1) IN GENERAL.—The President may, for periods not to exceed 120 days, waive the application of sanctions under this Act with respect to a foreign person if the President certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(2) CONSULTATION.—

(A) BEFORE WAIVER ISSUED.—Not later than 5 days before the issuance of a waiver under paragraph (1) is to take effect, the President shall notify and brief the appropriate congressional committees on the status of the foreign person's involvement in activities described in this Act.

(B) AFTER WAIVER ISSUED.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 120 days thereafter if the waiver remains in effect, the President shall brief the appropriate congressional committees on the status of the foreign person's involvement in activities described in this Act.

(3) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

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

(d) CODIFICATION OF CERTAIN SERVICES IN SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS' ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 542.516 of title 31, Code of Federal Regulations (relating to certain services in support of nongovernmental organizations' activities authorized), as in effect on the day before the date of the enactment of this Act, shall—

(A) remain in effect on and after such date of enactment; and

(B) in the case of a nongovernmental organization that is authorized to export or reexport services to Syria under such section on the day before such date of enactment, shall apply to such organization on and after such date of enactment to the same extent and in the same manner as such section applied to such organization on the day before such date of enactment.

(2) EXCEPTION.—Section 542.516 of title 31, Code of Federal Regulations, as codified under paragraph (1), shall not apply with respect to a foreign person who has (or whose officers, members, representatives or employees have) engaged in (or the President knows or has reasonable ground to believe is engaged

in or is likely to engage in) conduct described in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)).

(e) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing a strategy to ensure that humanitarian organizations can access financial services to ensure the safe and timely delivery of assistance to communities in need in Syria.

(2) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the strategy required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations operating in Syria.

(3) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

TITLE V—REGULATORY AUTHORITY, COST LIMITATION, AND SUNSET

SEC. 501. IMPLEMENTATION AND REGULATORY AUTHORITIES.

(a) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this Act and the amendments made by this Act.

(b) REGULATORY AUTHORITY.—The President shall, not later than 90 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this Act and the amendments made by this Act.

(c) BRIEFING TO CONGRESS.—Not less than 10 days before the promulgation of regulations under subsection (a), the President shall brief the appropriate congressional committees on the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and
- (2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 502. COST LIMITATION.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 503. AUTHORITY TO CONSOLIDATE REPORTS.

(a) IN GENERAL.—Any reports required to be submitted to the appropriate congressional committees under this Act or any amendment made by this Act that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadline. The consolidated reports shall contain all information required under this Act or any amendment made by this Act, in addition to all other elements mandated by previous law.

(b) DEFINITION.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and
- (2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 504. SUNSET.

This Act shall cease to be effective beginning on December 31, 2021.

PURPOSE OF LEGISLATION

H.R. 1677, the “Caesar Syria Civilian Protection Act of 2017,” is a response to the immense human suffering and regional instability created by the conflict in Syria. After more than six years of intense fighting, nearly 500,000 civilian deaths, the destruction of more than 50 percent of Syria’s critical infrastructure, and the

forced displacement of more than 14,000,000 people, the Syrian conflict has precipitated one of the worst humanitarian crises in more than 60 years. Failed efforts to negotiate an end to the conflict have demonstrated to the Committee the need to exert greater pressure on the Syrian regime and its enablers. This legislation seeks to create leverage for the United States to demand meaningful negotiations and provides tools to sanction those who fuel the Syrian regime's killing machine. This legislation builds on the "Syria Human Rights and Accountability Act of 2012" (contained in P.L. 112-158), to further sanction those who are responsible for or complicit in widespread human rights abuses and war crimes.

BACKGROUND AND NEED FOR LEGISLATION

Caesar

The "Caesar Syria Civilian Protection Act of 2017" is named in honor of the courageous former Syrian military photographer, known by the pseudonym "Caesar," who testified before the House Foreign Affairs Committee in 2014 in a briefing, entitled "Assad's Killing Machine Exposed: Implications for U.S. Policy." Caesar, who appeared before the committee in disguise, smuggled out of Syria more than 50,000 photographs that document the torture and execution of more than 10,000 political prisoners. This briefing was the first public setting in which Caesar shared his story. Since 2014, Caesar's photographs of torture victims inside Assad's prisons have been authenticated by the United States Federal Bureau of Investigation, displayed around the world, including at the U.S. Holocaust Memorial Museum, the United Nations and various parliaments, and used as evidence in war crimes prosecutions against the Assad regime.

Assad's Continued Use of Chemical Weapons

The brutal and indiscriminate use of chemical weapons has been a key element in the Assad regime's strategy to stay in power. The attack on April 4, 2017 saw Syrian regime aircraft conduct several air strikes using the chemical nerve agent, sarin gas. This attack is reported to have killed approximately 100 people in the town of Khan Shaikhoun, including scores of children. A hospital treating victims of the chemical attack was later reportedly struck by conventional weapons from Russian aircraft. Evidence of the Russian follow-up attack has reportedly been corroborated by satellite and drone imagery. Some suggest that the Russians may have been trying to cover up evidence of the chemical attack when they fired on the hospital.

This attack was the latest of several chemical weapons attacks against Syrian civilians, including chlorine attacks throughout the conflict and sarin gas attacks in the Aleppo suburbs and Eastern Ghouta in 2013. It came after President Obama said in a 2013 news conference, "We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation."

After the 2013 sarin gas attacks, the Obama Administration and the Russian Government announced an agreement that would pro-

vide for the elimination of Syria's declared stockpiles, manufacturing, and mixing equipment. This agreement avoided U.S. military action and was memorialized in U.N. Security Council Resolution 2118, which required the verification and destruction of Syria's chemical weapons stockpiles. The final shipment of Assad's *declared* chemical weapons materials left Syria on June 23, 2014, and the Organization for the Prohibition of Chemical Weapons (OPCW) won the Nobel Peace Prize for their efforts to implement the Security Council Resolution.

Despite these developments, many suspected that the Syrian Government maintained stockpiles of several tons of chemical weapons after June 2014. In the months that followed, it was confirmed by the Syrian Government that four more production sites and a ricin program had been undeclared and remained in the country—leading a high ranking Syrian official to call the agreement a “victory” for Assad's regime.

The Russian Government was supposed to be the guarantor of Syrian adherence to the U.N. Security Council Resolution, but as Secretary of State Tillerson noted in remarks to the media after the sarin attack in Khan Shaikhoun: “Russia has failed in its responsibility to deliver on that commitment from 2013. So either Russia has been complicit or Russia has been simply incompetent in its ability to deliver on its end of that agreement.”

Assad's continued use of chemical weapons serves a tactical and strategic purpose. Tactically, the Syrian regime has been able to prevent the loss of key infrastructure and prevent losses from their own ranks while inflicting damage on others. Strategically, the repeated use of such weapons, which until recently was carried out with impunity, is meant to demoralize opposition fighters and Syrian civilians.

Additionally, chlorine gas, a chemical with a number of commercial and medical applications, has been a consistent and deadly weapon for the Assad regime in its efforts to terrorize and kill civilians. In 2015, the committee heard testimony from Dr. Annie Sparrow of Mount Sinai School of Medicine in New York—a trainer of Syrian doctors—in which she stated that chlorine, a dual use chemical, is used by the Assad regime as a chemical weapon in indiscriminate attacks. She also noted the regime has used chlorine as an indirect biological weapon by withholding shipments to besieged areas, thus contributing to epidemics of polio, typhoid, hepatitis, and other contagious diseases.

Assad's Slaughter of the Syrian People

While Assad's use of chemical weapons is a key topic of international outrage, it is only one method by which Assad targets civilians. The primary means of death in Syria remains conventional weaponry, including missiles, mortars, and bombs, including cluster munitions. The regime has also utilized the crude nature of a barrel bomb to indiscriminately target civilians. The civil defense group known as the White Helmets has reported countless incidents and provided evidence of aerial bombardments of civilian areas, including schools, hospitals, refugee camps and markets. The White Helmets' centers, ambulances and personnel have been deliberately targeted, and at least one White Helmets volunteer who has met with committee staff was subsequently killed in an air-

strike in 2016 as he was trying to rescue people trapped under rubble.

Nowhere is Assad's disregard for life more visible than in the photographs smuggled out of Syria by the former police photographer who testified before the committee under the name "Caesar." These photographs include the images of men, women, and children tortured and murdered inside of the Syria prisons system. In his testimony before the House Foreign Affairs Committee in 2014, at the time that Caesar revealed his photographs to the world, renowned prosecutor David Crane said, "55,000 photographs which show the systematic torture, starvation, and execution of what our forensic team was able to verify of approximately 11,000 human beings, showing direct evidence, evidence that, if I were a prosecutor bringing this evidence in, would prove beyond a reasonable doubt of war crimes and crimes against humanity. We were stunned by the magnitude of this." Furthermore, the regime has tortured to death at least 12,000 people, according to the Syrian Network for Human Rights.

One of the most shocking elements of the Caesar file of photographs is the diversity of victims. The Syrian regime has targeted individuals from all backgrounds and religious faiths. In fact, Caesar provided multiple photographs of Christian torture victims, while other prominent Christians continue to remain in government detention. In addition, according to a report by the Syrian Network for Human Rights, over 60 percent of Syrian churches have been targeted by government forces. It is abundantly clear from the evidence that the Assad regime seeks to protect itself and neutralize any perceived threat to its survival regardless of religious or ethnic affiliations. Pope Francis has spoken out against the atrocities in Syria, delivering strong remarks after the sarin gas attacks: "I firmly deplore the unacceptable carnage that took place yesterday in Idlib province, where scores of helpless people, including many children, were killed." He went on to appeal to those "with political responsibility, both locally and internationally, to cease this tragedy and bring relief to that dear population which, for too long, has been exhausted by war."

Assad's Supporting Role in the Rise of ISIS

While Bashar al-Assad portrays himself and his regime as the only alternative to a Syria dominated by radical Sunni Islamists, he played a well-documented role in the development of ISIS in Iraq. As Charles Lister testified before this committee on April 27, 2017:

"As U.S. troops entered Iraq in March 2003, Assad's personally appointed Grand Mufti issued a fatwa declaring it religiously obligatory for all Muslims—male and female—to resist the invasion using any available means, including suicide bombing. Iraq's then foreign minister claimed 5,000 foreign fighters crossed into the country from Syria in the first 11 days of the invasion. Most of these were driven to the border on Syrian Government buses, as Syrian border guards waved them across unchecked. According to captured Islamic State documents, more than 700 foreign jihadists crossed into Iraq from Syria through one town alone in a 12-month period between 2006–2007. Later in

2007, U.S. intelligence estimated that as much as 90% of Islamic State suicide bombers in Iraq had come through Syria—many flying into Aleppo or Damascus airports and then given free access to the Iraqi border. In mid-2009, the Syrian Government’s military intelligence service convened a meeting in the Syrian mountain town of Zabadani, in which Assad regime officials sat alongside leaders from the Islamic State and from Iraq’s deposed Baath Party and planned a series of debilitating bombings aimed at crippling Prime Minister Nouri al-Maliki’s standing in Baghdad. Those attacks took place in August 2009 and left over 700 killed and wounded. It is quite possible that hundreds of American troops would still be alive today had it not been for Assad’s explicit support for what was then known as the Islamic State in Iraq.”

Two of the four key leaders of al Nusra Front’s seven founding members were released from prison by the Assad regime at the start of the conflict—when the opposition was still primarily a peaceful resistance with no major armed groups. Three of ISIS’s most important leaders in Syria were also released, including the Emirs of Aleppo and Raqqa. Even today, the Assad regime and its backers use the pretext of fighting “terrorism” to explain the deliberate targeting of medical facilities, rescue personnel, and civilian targets such as schools and market places.

In reality, regime atrocities continue to be an effective propaganda tool for both Jabhat Fateh Al-Sham and ISIS, both outgrowths of Al Qaeda. Witnesses have testified to the committee that the only way to defeat terrorism in Syria is for President Assad to step aside and make way for the “transitional governing body” that is called for under the Geneva Communiqué. As Ambassador Fred Hof said in his testimony on February 14, 2017 at the Subcommittee on Terrorism, Non-Proliferation and Trade, “ISIS and JFS can and should be defeated militarily. Terror, however, will be killed in Syria only when legitimate governance, reflecting inclusivity and rule of law, replaces family rule based on collective punishment and mass homicide. So long as the latter prevails responses to it will inevitably include appeals to sectarianism, extremism, and terror.”

Russian and Iranian Support and Protection

Iran has long considered Bashar Al-Assad’s Alawite government an ally against Saudi Arabia and other Sunni states in the region. Iran supports the Syrian regime by providing funding, weapons, Quds force advisors backed by Shiite militias, and Iranian ground troops. U.N. officials estimate that Iranian funding to Syria, even with sanctions on Iran in place, has averaged \$6 billion annually. Iran has reportedly deployed at least 7,000 of its own fighters to Syria. These forces include elements of the IRGC-Ground Forces and Iranian ‘Artesh’ that represent the first expeditionary deployment of conventional forces by Iran since the Iran-Iraq War. Iran also leads a coalition of roughly 20,000 foreign fighters in the country, including 6,000 to 8,000 from Lebanese Hezbollah, 4,000 to 5,000 from Iraqi Shi’a militias, and 2,000 to 4,000 Afghan Shi’a fighters. This coalition provides a disproportionate amount of the combat-capable infantry used in major pro-regime operations.

While the relationship between Russia and Syria dates back to the 1950s, Russia's chief interest today is in maintaining access to the Syrian port of Tartus, which Moscow has utilized as a logistical hub supporting Russian naval operations in the Mediterranean, and playing a more active role in the region. Starting in the summer of 2015, Russia began an extensive military buildup of personnel, combat aircraft, and military equipment inside of Syria. This assistance came at a critical juncture in the conflict and has turned the tide of war in favor of Assad. With Russian assistance, Assad has been able to retake key areas, including the former opposition strongholds of Aleppo and Homs.

Russian air support has played the largest role in reversing Assad's fortunes. While claiming to fight ISIS, Russia has in fact conducted the vast majority of air strikes against regime opponents and in the process, killed thousands of Syrian civilians. Russia's introduction of advanced air defense systems into Syria constrains the ability of other aircraft to operate freely in the area. Russia has killed thousands of Syrian civilians. Russia also continues to provide diplomatic protection for Syria by blocking multiple measures at the U.N. Security Council that would increase pressure on the Assad regime.

It is unclear if Russia is unable or simply unwilling to control the Assad regime and force it to accept the kinds of concessions necessary to broker a political solution. Without additional mechanisms to reassert US authority, decisions regarding the future of Syria—including regional spheres of influence and dominance—will be decided without an eye toward U.S. interests. The relationship between Russia and Iran continues to deepen, and the committee remains very concerned about how this partnership in the future could negatively impact U.S. national security in the future.

Failed Diplomacy to Date

The "Geneva process," the U.N.-sponsored negotiations that took place in Geneva in 2012 and 2014, has not produced meaningful results. A few localized ceasefires, brokered through the U.N., have not lasted.

Currently, Russia, Iran, and Turkey are the dominant state-level actors in negotiations and they are focused on a series of Russian-sponsored talks in Astana, Kazakhtan. The "Astana process" meetings have been attended by some elements of the secular, Syrian military opposition as well as the Assad regime and representatives of Russia, Iran, and Turkey. During talks in Astana in early 2017, Russia proposed a new Syrian constitution. The Syrian opposition rejected the draft, saying that only Syrians should and can decide the future of Syria. The latest round of talks in Astana, held in early May 2017, led to the announcement of "de-escalation" zones in Syria—in which Assad and his backers would agree to reduce military operations with the exception of those "targeting terrorists." The guarantors of peace in these zones would include the Syrian army and likely, associated forces. Such guarantors are unlikely to be able to create or keep the peace as they foment sectarian-based violence.

Legislative Response

Syria has long been the subject of Congressional interest. In 2003 Congress passed the Syria Accountability and Lebanese Sovereignty Restoration Act (SALSRA) (P.L. 108–175) and expanded nonproliferation sanctions against the regime by adding Syria to the law now known as the Iran, North Korea, Syria Nonproliferation Act through the Iran Nonproliferation Amendments Act of 2005 (P.L.109–112). Congress continued to build economic pressure with the Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112–158). H.R. 1677 builds on those efforts by expanding sanctions to include those who provide the goods and materials used by the Assad war machine to target civilians.

Legislation substantially similar to this bill passed the House unanimously during the 114th Congress, but the Senate failed to act before Congress adjourned.

SUMMARY OF THE LEGISLATION

The goal of this legislation is to create leverage for the U.S. in future negotiations. The committee believes that the sanctions called for in this bill could help compel the parties to engage in meaningful negotiations, while the suspension of sanctions can be held out as a mechanism to reward positive movement towards resolving the crisis.

This legislation seeks to disrupt the supply of goods and materials used by the Assad war machine to target civilians. It imposes sanctions on those who (1) provide significant financial, material, or technological support to Syria, including the Syrian intelligence services, security services, and armed forces; (2) support Syria's domestic petroleum industry—through which the regime cooperates with ISIS; (3) sell or provide aircraft, spare parts, or related goods, services, or technologies which are used in whole or in part for military operations; or (4) facilitate financing or funding for any of these activities.

By targeting these key sectors, this legislation seeks to raise the risk of doing business with the Assad war machine and to cut off financial benefits to those who profit off the death and suffering of the Syrian people. The majority of those engaged in such activities are either war profiteers, members of the Assad regime or its cronies, or acting at the behest of one of Assad's state backers—such as Iran.

The bill would authorize the imposition of certain sanctions by the President and amend current law to require the President to impose other sanctions on individuals he designates as eligible. The bill would require the President to submit an updated report on individuals alleged to be responsible for “serious human rights abuses” in Syria, which the bill would amend current law to define. The bill includes a national security waiver and negotiation or transition scenario-specific waiver authorities for the President. Its provisions would expire after five years.

The first objective of this legislation is to decrease the violence against civilians by raising the cost of doing business with foreign entities engaged in aiding the Government of Syria. External support to the Assad regime has fueled this conflict and served as a lifeline for the Assad regime. Thus, this legislation imposes third-

party sanctions on persons that are supporting the Government of Syria’s military supply chain—from banking and fuel to defense articles, services and information—in order to make it costlier to acquire military resources.

Second, this legislation is a means by which to target malignant efforts to create a terrorist safe haven in Syria through which armed groups, such as Lebanese Hezbollah, are able to move arms, money, and fighters to launch attacks against and destabilize U.S. allies in the region. The committee remains concerned about the increasing strength of Lebanese Hezbollah and the dangerous implications for the region when battle-hardened Hezbollah fighters return to Southern Lebanon.

This legislation does not violate the United States’ commitments under the Joint Comprehensive Plan of Action (JCPOA) and does not interfere with the U.S.’s ability to adhere to that agreement. Indeed, the previous Administration repeatedly asserted that the Iran agreement would not impact the ability of the United States to counter Iran’s destabilizing activities. This legislation includes flexibility for the President to ensure that sanctions against individuals or entities that provide support for the Syrian regime are in the national security interest of the United States.

HEARINGS/BRIEFINGS

During the present Congress, the committee has continued its active oversight regarding U.S. policy toward Syria, including one Full Committee hearing related to the content of H.R. 1677:

April 27, 2017, Full Committee hearing on “Syria After the Missile Strike: Policy Options” (Michael Singh, Lane-Swig Senior Fellow and Managing Director, The Washington Institute for Near East Policy; Charles Lister, Senior Fellow, Middle East Institute; Dafna H. Rand, Ph.D., Adjunct Professor, National Defense University).

The Terrorism, Non-Proliferation, and Trade Subcommittee also held a hearing relating to the concerns addressed in H.R. 1677:

February 14, 2017, Subcommittee hearing on “Defeating Terrorism in Syria: A New Way Forward” (Mr. Hassan Hassan, Senior Fellow, The Tahrir Institute for Middle East Policy; The Honorable Frederic C. Hof, Director, Rafik Hariri Center for the Middle East, Atlantic Council; Ms. Melissa Dalton, Senior Fellow, Center for Strategic and International Studies).

COMMITTEE CONSIDERATION

On May 3, 2017, the Committee on Foreign Affairs marked up H.R. 1677 in open session, pursuant to notice. An amendment in the nature of a substitute (offered by Ranking Member Engel) and one amendment to that amendment in the nature of a substitute (offered by Mr. Mast) were considered *en bloc* with the underlying bill, and were agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of rules of the House of Representatives, the committee reports that findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the de-

scriptive portions of this report, particularly in the “Purpose of Legislation,” “Background and Need for Legislation,” and “Section-by-Section Analysis” sections.

NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL
MANDATES

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104–4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 2017.

Hon. EDWARD R. ROYCE, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1677, the Caesar Syria Civilian Protection Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226–2840.

Sincerely,

KEITH HALL.

Enclosure

cc: Honorable Eliot L. Engel
Ranking Member

H.R. 1677—Caesar Syria Civilian Protection Act of 2017.

As ordered reported by the House Committee on Foreign Affairs on May 3, 2017

H.R. 1677 would require the Departments of State and the Treasury to impose sanctions on people and entities responsible for the security and humanitarian crisis in Syria or persons who engage in certain transactions with the government of Syria; that requirement would expire on December 31, 2021. The bill also would authorize the Department of State to assist entities that are investigating war crimes or crimes against humanity in Syria. Finally, the legislation would require briefings and reports to the Congress on the implementation of the act, ongoing assistance programs for the Syrian people, and the feasibility of various options to protect civilians in Syria.

Based on an analysis of information from the Department of State, CBO expects the department would require three additional staff at an annual cost of about \$200,000 per person to implement the act's sanctions and reporting provisions. CBO further estimates that other administrative costs to the Department of the Treasury

would total less than \$500,000 over the next five years. The Department of State is currently providing assistance to entities that are committed to investigating and preserving evidence of human right violations in Syria. While it is possible that the department would increase such assistance under the bill, CBO has no basis for estimating such additional amounts. In total, and incorporating the effects of inflation, CBO estimates that implementing H.R. 1677 would cost \$3 million over the 2018–2022 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 1677 would increase the number of people who would be denied visas by the Secretary of State and would be subject to civil or criminal penalties. Most visa fees are retained by the Department of State and spent without further appropriation, but some fees are deposited in the Treasury as revenues. Penalties also are recorded as revenues and a portion of those penalties can be spent without further appropriation. Pay-as-you-go procedures apply to this legislation because enacting it would affect direct spending and revenues. However, CBO estimates that implementing those sanction provisions would affect very few additional people and thus have insignificant effects on both revenues and direct spending.

CBO estimates that enacting H.R. 1677 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1677 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

The bill would expand sanctions on individuals and entities that provide support to the Syrian government. The expansion of sanctions would impose private-sector mandates, as defined in UMRA, on U.S. entities engaging in transactions that would be prohibited by the bill. In addition, individuals in the United States who engage in activities prohibited by the bill would have their visas revoked. The cost of the mandates would be any forgone income directly related to the newly prohibited actions. Because of the broad scope of existing U.S. sanctions involving Syria, CBO expects the number of entities and individuals in the United States affected by the legislation would be small. Further, CBO expects that the loss of income from the restrictions in the bill would be relatively low. Therefore, CBO estimates that the aggregate cost of the mandates would fall below the annual threshold established in UMRA for private-sector mandates (\$156 million in 2017, adjusted annually for inflation).

The CBO staff contacts for this estimate are Sunita D'Monte (for federal costs) and Logan Smith (for private-sector mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

DIRECTED RULE MAKING

Pursuant to clause 3(c) of House Rule XIII, as modified by section 3(i) of H. Res. 5 during the 115th Congress, the committee notes that H.R. 1677 contains no directed rule-making provisions.

NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House Rule XIII, the committee states that no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

The Act is intended to deprive the Assad regime of the resources necessary to slaughter Syrian civilians and to create the necessary pressures to force the Assad regime to engage in serious and substantive negotiations. Performance goals associated with these objectives include, but are not limited to, the following:

- A verifiable decrease in violence against Syrian civilians;
- A verifiable decrease in deliberate targeting of medical facilities and personnel by the Assad regime, its backers, and associated forces; and
- Serious and sustained engagement by the Assad regime in face-to-face, internationally recognized negotiations with the Syrian High Negotiations Committee, or its internationally-recognized successor, and appropriate international parties to resolve the violence in Syria.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 1677 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H.R. 1677 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 1677 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title and Table of Contents.

States the short title of this Act is the “Caesar Syria Civilian Protection Act of 2017” and lists the table of contents for this Act.

Section 2. Sense of Congress.

Highlights Bashar al-Assad’s responsibility for the deaths of more than 480,000 civilians, the destruction of more than fifty percent of Syria’s critical infrastructure, and the forced displacement of more than 14,000,000 people, precipitating a humanitarian crisis. Of particular note are Assad’s use of barrel bombs, chemical weapons, mass starvation campaigns, industrial-scale torture and

execution of political dissidents, sniper attacks on pregnant women, and the deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets.

Section 3. Statement of Policy.

States that it is the policy of the United States that all diplomatic and coercive economic means should be used to compel the Assad regime to immediately halt the killing of Syrian civilians and actively work towards a transition to a democratic government in Syria.

TITLE I—ADDITIONAL ACTIONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA

Section 101. Sanctions with respect to foreign persons that engage in certain transactions.

Sanctions those who facilitate the Assad regime's acquisition of non-military goods, services or technologies that bolster the regime's military capabilities. Expands existing sanctions to cover third parties that provide petroleum products or technology to the Syrian regime that directly facilitates the regime's domestic oil production. Sanctions those who operate in areas controlled by the Government of Syria and who facilitate the Assad regime's acquisition of aircraft or spare parts, or goods, services or technologies associated with the operation of aircrafts utilized in whole or in part for military operations. Also sanctions persons or entities operating in the shipping, transportation, or telecommunications sectors within areas controlled by the Government of Syria.

Section 102. Prohibitions with respect to the transfer of arms and related materials to Syria.

This provision sanctions any foreign person that has knowingly exported, transferred, or otherwise provided to Syria financial, material, or technological support that contributes materially to the ability of the Government of Syria to:

- Acquire or develop chemical, biological, or nuclear weapons or related technologies;
- Acquire or develop ballistic or cruise missile capabilities;
- Acquire or develop destabilizing numbers and types of advanced conventional weapons;
- Or any munitions that could be employed against the people of Syria.

Section 103. Rule of construction.

This provision states that the sanctions in this Act are additive, and do not limit the use of existing sanctions.

*Section 104. Definitions.*TITLE II—AMENDMENTS TO SYRIA HUMAN RIGHTS ACCOUNTABILITY
ACT OF 2012*Section 201. Imposition of sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.*

Updates the Syria-related sanctions contained in the Iran Threat Reduction and Syria Human Rights Act of 2012, to deny U.S. visa issuance and transactions in property to persons responsible for or complicit in human rights abuses. States that the deliberate targeting of civilian infrastructure is a human rights violation.

Section 202. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses.

This provision expands the prohibition against support for the Assad regime, to include the provision of munitions and any other item that the President determines may contribute to the Syrian regime's ability to commit gross human rights violations.

Section 203. Imposition of sanctions with respect to persons who hinder humanitarian access.

This provision amends the Syrian Human Rights Accountability Act of 2012 by including sanctions on individuals who attempt to deliberately divert, hinder, or block access for humanitarian purposes for the U.N., national and international NGOs and other actors engaged in humanitarian relief activities. Also included are those who deliberately target humanitarian actors with violence.

Section 204. Updated list of certain persons who are responsible for human rights violations in Syria.

Requires that the President submit an updated report of persons who are responsible for violations of human rights in Syria, as required under section 702 of the Syria Human Rights Accountability Act of 2012.

TITLE III—REPORTS AND WAIVER FOR HUMANITARIAN RELATED
ACTIVITIES WITH RESPECT TO SYRIA*Section 301. Briefing on monitoring and evaluation of ongoing assistance programs in Syria and to the Syrian people.*

Requires a briefing no more than 180 days after the enactment of the Act on the monitoring and evaluation of ongoing assistance programs to the Syrian people.

Section 302. Assessment of potential effectiveness of methods to enhance the protection of civilians.

Requires a report within 90 days from the President that assesses the potential effectiveness and risks and operational requirements of a no-fly or safe zone in Syria as well as other non-military means of providing additional civilian protections.

Section 303. Assistance to support entities taking actions relating to gathering evidence for investigations into war crimes and crimes against humanity in Syria since March 2011.

Authorizes the Secretary of State to provide assistance to groups that are conducting criminal investigations, building investigative capacity, collecting evidence and supporting prosecutions against those who have committed war crimes or crimes against humanity in Syria since March 2011. Requires a briefing from the Secretary of State detailing the exact nature of any such assistance.

TITLE IV—SUSPENSION OF SANCTIONS WITH RESPECT TO SYRIA

Section 401. Suspension of sanctions with respect to Syria.

This provision allows for the suspension of sanctions under this Act (and the renewal of this suspension at 120-day intervals) if the Government of Syria has taken certain actions as follows:

- The Government of Syria and associated forces are no longer utilizing the air space over Syria to target civilian populations through the use of incendiary devices, including barrel bombs, chemical weapons, and conventional arms, including air-delivered missiles and explosives;
- Areas besieged by the Assad regime and associated forces, including Hezbollah and irregular Iranian forces, are no longer cut off from international aid and have regular access to humanitarian assistance, freedom of travel, and medical care;
- The Government of Syria has released all political prisoners forcibly held within its prison system and allowed full access to those facilities for investigations by appropriate international human rights organizations;
- The forces of the Government of Syria and associated forces, including Hezbollah, irregular Iranian forces, and Russian Government air assets, are no longer engaged in deliberate targeting of medical facilities, schools, residential areas, and community gathering places in violation of international norms; and
- The Government of Syria has suspended its support for foreign terrorist organizations.

If the Government of Syria does not qualify for the above suspension of sanctions, but is engaged in internationally recognized negotiations to resolve violence in Syria, which negotiations have concluded in an agreement or are likely to conclude in an agreement, the President may suspend sanctions under this Act for an initial 120 days if: (1) the Government of Syria, the Syrian High Negotiations Committee, and appropriate international parties are participating in direct, face-to-face peace negotiations, and (2) there has been a substantial reduction in violence against civilians.

This suspension for participation in negotiations may be renewed in 120 day increments if: (1) these initial requirements continue to be met, (2) the Government of Syria and associated forces have ceased all attacks against Syrian civilians, and (3) the Government of Syria has publically committed to negotiations for a transitional government.

Any break in negotiations lasting longer than 90 days requires a re-imposition of sanctions and no further suspensions are allowed.

Congress urges the Administration to consider the following when evaluating progress towards a post-Assad transitional government:

- The removal of former senior Syrian Government officials who are complicit in the conception, implementation, or cover up of war crimes, crimes against humanity, or human rights abuses;
- The organization of free and fair elections for a new government;
- Progress toward establishing an independent judiciary;
- Respect for and compliance with internationally-recognized human rights and basic freedoms; and
- Fulfillment of commitments under the Chemical Weapons Convention and the Treaty on the Non-Proliferation of Nuclear Weapons, and tangible progress toward becoming a signatory to Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, entered into force March 26, 1975, and adherence to the Missile Technology Control Regime;
- The end of all support for terrorism;
- The cessation of the development and deployment of weapons of mass destruction and ballistic missiles; and
- The removal from authority of those responsible for torture, extrajudicial killings, or execution of civilians during the conflict, including the use of chemical weapons.

Section 402. Waivers and exemptions.

Includes a case-by-case waiver for humanitarian and democracy building purposes, in light of the large number of aid organizations operating in areas controlled by the Government of Syria. Also includes a general national security waiver, the use of which requires written notification to the appropriate congressional committees.

Section 501. Regulatory Authority.

This provision requires that the Administration promulgate the regulations necessary to implement the bill 180 days after the date of enactment.

Section 502. Cost Limitation.

No additional funds are authorized to carry out the requirements of this Act.

Section 503. Authority to consolidate reports.

The reports required by this Act can be submitted as a single entity if they are subject the same deadline for submission,

Section 504. Sunset.

This provision sunsets the legislation after five years.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

SYRIA HUMAN RIGHTS ACCOUNTABILITY ACT OF 2012

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Iran Threat Reduction and Syria Human Rights Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA						
*	*	*	*	*	*	*
<i>Sec. 705. Imposition of sanctions with respect to persons who hinder humanitarian access.</i>						
*	*	*	*	*	*	*

TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA

* * * * *

SEC. 702. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

(a) **IN GENERAL.**—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) **LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Syria or persons acting on behalf of that Government that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.

[(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property, subject to such regulations as the President may prescribe.]

(c) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—*The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.*

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—*An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (b) is—*

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (b) regardless of when issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) *PENALTIES.*—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(4) *REGULATORY AUTHORITY.*—The President shall, not later than 180 days after the date of the enactment of this section, promulgate regulations as necessary for the implementation of this section.

(5) *EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.*—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(6) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), relevant Executive orders, regulations, or other provisions of law.

(d) *SERIOUS HUMAN RIGHTS ABUSES DESCRIBED.*—In subsection (b), the term “serious human rights abuses” includes—

(1) the deliberate targeting of civilian infrastructure to include schools, hospitals, markets, and other infrastructure that is essential to human life, such as power and water systems; and

(2) the deliberate diversion, hindering, or blocking of access for humanitarian purposes, including access across conflict lines and borders.

SEC. 703. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) *IN GENERAL.*—The President shall impose sanctions described in section 702(c) with respect to—

(1) each person on the list required by subsection (b); and

(2) any person that—

(A) is a successor entity to a person on the list;

(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

(C) is owned or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list.

(b) LIST.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

(2) ACTIVITY DESCRIBED.—

(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—

(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Syria; or

(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.

(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; [or]

(ii) sensitive technology[.];

(iii) any article—

(I) designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)); and

(II) with respect to which the President determines is significant for purposes of the imposition of sanctions under subsection (a); or

(iv) other goods or technologies that the President determines may be used by the Government of Syria to commit human rights abuses against the people of Syria.

(D) SENSITIVE TECHNOLOGY DEFINED.—

(i) IN GENERAL.—For purposes of subparagraph (C), the term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(I) to restrict the free flow of unbiased information in Syria; or

(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.

(ii) EXCEPTION.—The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(5) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

* * * * *

SEC. 705. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO HINDER HUMANITARIAN ACCESS.

(a) *IN GENERAL.*—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).

(b) *LIST OF PERSONS WHO HINDER HUMANITARIAN ACCESS.*—

(1) *IN GENERAL.*—Not later than 120 days after the date of the enactment of the Caesar Syria Civilian Protection Act of 2017, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in deliberate diversion, hindering, or blocking of access for humanitarian purposes for the United Nations, its specialized agencies and implementing partners, national and international nongovernmental organizations, and all other actors engaged in humanitarian relief activities in Syria, including through the deliberate targeting of such humanitarian actors and activities in Syria and across conflict lines and borders.

(2) *UPDATES OF LIST.*—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after the date of the enactment of the Caesar Syria Civilian Protection Act of 2017 and every 180 days thereafter; and

(B) as new information becomes available.

(3) *FORM.*—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

SEC. [705.] 706. WAIVER.

The President may waive the requirement to include a person on a list required by section 702, 703, [or 704] 704, or 705 or to impose sanctions pursuant to any such section if the President—

- (1) determines that such a waiver is in the national security interests of the United States; and
- (2) submits to the appropriate congressional committees a report on the reasons for that determination.

SEC. [706.] 707. TERMINATION.

(a) *IN GENERAL.*—The provisions of this title and any sanctions imposed pursuant to this title shall terminate on the date on which the President submits to the appropriate congressional committees—

- (1) the certification described in subsection (b); and
- (2) a certification that—
 - (A) the Government of Syria is democratically elected and representative of the people of Syria; or
 - (B) a legitimate transitional government of Syria is in place.

(b) *CERTIFICATION DESCRIBED.*—A certification described in this subsection is a certification by the President that the Government of Syria—

- (1) has unconditionally released all political prisoners;
- (2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;
- (3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;
- (4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and
- (5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;
- (6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and
- (7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.

(c) *SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.*—If the President submits to the appropriate

congressional committees the certification described in subsection (a)(2), the President may suspend the provisions of this title and any sanctions imposed under this title for not more than 180 days to allow time for a certification described in subsection (b) to be submitted.

* * * * *

○