

111TH CONGRESS
1ST SESSION

H. R. 1206

To strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2009

Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. MCCOTTER, Mr. CARTER, Mr. HOEKSTRA, Mr. KING of New York, Mr. BUYER, Mr. RYAN of Wisconsin, Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MACK, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. POE of Texas, Mr. BILIRAKIS, Mrs. MYRICK, Mr. SHAD-EGG, Ms. FOXX, Mr. KIRK, Mr. FRELINGHUYSEN, Mrs. CAPITO, Mr. MARCHANT, Mr. SOUDER, Mr. CONAWAY, Mr. MILLER of Florida, Mr. GOHMERT, Mr. LINDER, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. TERRY, Mr. LAMBORN, Mr. TIBERI, Mr. BUCHANAN, Mr. BROUN of Georgia, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Syria Accountability and Liberation Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—STRENGTHENING UNITED STATES SANCTIONS AGAINST
 SYRIA

Sec. 101. Declarations of policy.

Sec. 102. Codification of existing sanctions and continuation of restrictions
 against the Government of Syria.

Sec. 103. Sanctions against certain persons.

Sec. 104. Sanctions against certain foreign countries.

TITLE II—SANCTIONS TARGETING SYRIA’S ENERGY SECTOR

Sec. 201. Imposition of sanctions.

Sec. 202. Advisory opinions.

Sec. 203. Termination of sanctions.

Sec. 204. Duration of sanctions; Presidential waiver.

Sec. 205. Determinations not reviewable.

Sec. 206. Exclusion of certain activities.

TITLE III—SYRIA NUCLEAR WEAPONS PREVENTION

Sec. 301. Findings.

Sec. 302. Actions within the International Atomic Energy Agency.

Sec. 303. Restrictions on nuclear cooperation with countries assisting the nu-
 clear program of Syria.

Sec. 304. Exclusion from the United States of senior officials of foreign persons
 who have aided the nuclear program of Syria.

TITLE IV—DIPLOMATIC EFFORTS TO ISOLATE THE
 GOVERNMENT OF SYRIA

Sec. 401. Sense of Congress relating to bilateral efforts.

Sec. 402. Opposition to Syria’s membership and candidacy for leadership posts
 in United Nations institutions.

Sec. 403. Actions at international financial institutions.

Sec. 404. Establishment of United States and regional contact groups.

Sec. 405. Report on assistance to, and commerce with, Syria.

TITLE V—ASSISTANCE TO SUPPORT DEMOCRACY IN SYRIA

Sec. 501. Declarations of policy.

Sec. 502. Assistance to support a transition to democracy in Syria.

Sec. 503. Condemnation of Syrian human rights abuses.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Affairs and
7 the Committee on Appropriations of the House
8 of Representatives; and

9 (B) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate.

12 (2) DEVELOP; DEVELOPMENT.—The terms “de-
13 velop”, or the “development” of, mean, with respect
14 to petroleum resources, the exploration for, or the
15 extraction, refining, or transportation by pipeline of,
16 petroleum resources.

17 (3) GOODS AND TECHNOLOGY.—The terms
18 “goods” and “technology” have the meanings given
19 such terms in section 16 of the Export Administra-
20 tion Act of 1979 (50 U.S.C. App. 2415).

21 (4) GOVERNMENT OF SYRIA.—The term “Gov-
22 ernment of Syria” includes any agency or instru-
23 mentality of the Government of Syria, including any
24 entity that is controlled by the Government of Syria.

1 (5) INVESTMENT.—

2 (A) IN GENERAL.—The term “investment”
3 means any of the following activities if the ac-
4 tivity is undertaken pursuant to an agreement,
5 or pursuant to the exercise of rights under such
6 an agreement, that is entered into with the
7 Government of Syria or a nongovernmental en-
8 tity in Syria on or after the date of the enact-
9 ment of this Act:

10 (i) The entry into a contract that in-
11 cludes responsibility for the development of
12 petroleum resources located in Syria, or
13 the entry into a contract providing for the
14 general supervision and guarantee of an-
15 other person’s performance of such a con-
16 tract.

17 (ii) The purchase of a share of owner-
18 ship, including an equity interest, in that
19 development.

20 (iii) The entry into a contract pro-
21 viding for the participation in royalties,
22 earnings, or profits in that development,
23 without regard to the form of the partici-
24 pation.

1 (B) EXCLUSION.—The term “investment”
2 does not include the entry into, performance, or
3 financing of a contract to sell or purchase
4 goods, services, or technology.

5 (C) AMENDMENTS OR MODIFICATIONS.—
6 For purposes of this paragraph, an amendment
7 or other modification that is made, on or after
8 the date of the enactment of this Act, to an
9 agreement or contract shall be treated as the
10 entry into an agreement or contract.

11 (6) PERSON.—The term “person” means—

12 (A) a natural person; or

13 (B) a corporation, business association,
14 partnership, society, trust, any other non-
15 governmental entity, organization, or group,
16 and any governmental entity operating as a
17 business enterprise.

18 (7) PETROLEUM RESOURCES.—The term “pe-
19 troleum resources” includes petroleum and natural
20 gas resources.

21 (8) UNITED STATES ASSISTANCE.—The term
22 “United States assistance” means—

23 (A) any assistance under the Foreign As-
24 sistance Act of 1961 (22 U.S.C. 2151 et seq.),

1 other than urgent humanitarian assistance or
2 medicine;

3 (B) sales and assistance under the Arms
4 Export Control Act (22 U.S.C. 2751 et seq.);

5 (C) financing by the Commodity Credit
6 Corporation for export sales of agricultural
7 commodities; or

8 (D) financing under the Export-Import
9 Bank Act of 1945 (12 U.S.C. 635 et seq.).

10 **TITLE I—STRENGTHENING**
11 **UNITED STATES SANCTIONS**
12 **AGAINST SYRIA**

13 **SEC. 101. DECLARATIONS OF POLICY.**

14 Congress makes the following declarations of policy:

15 (1) The actions of the Government of the Syr-
16 ian Arab Republic, including its support for, and fa-
17 cilitation of, terrorist activities, including inside of
18 Iraq, its development of long-range missiles and
19 weapons of mass destruction programs and capabili-
20 ties, its continued interference with the internal af-
21 fairs of the Lebanese Republic in violation of mul-
22 tiple United Nations Security Council resolutions
23 and of its international obligations, and its massive,
24 systematic, and extraordinary violations of human
25 rights of the Syrian people, are a threat to the na-

1 tional security of the United States and inter-
2 national peace.

3 (2) The policy of the United States shall be to
4 deny the Government of Syria the ability to carry
5 out the following:

6 (A) To finance, provide safe-haven, or oth-
7 erwise support terrorist organizations.

8 (B) To develop chemical, biological, radio-
9 logical, or nuclear weapons and long-range bal-
10 listic missiles.

11 (C) To continue to interfere in the affairs
12 of the Government of Lebanon in contravention
13 of multiple United Nations Security Council
14 resolutions and other pertinent obligations.

15 (D) To continue to oppress the people of
16 Syria.

17 (3) The President should advocate for, and
18 should instruct the United States Permanent Rep-
19 resentative to the United Nations to propose and
20 seek within the United Nations Security Council, a
21 mandatory international embargo against the Gov-
22 ernment of Syria, pursuant to Article 41 of the
23 Charter of the United Nations.

24 (4) Any effort by a country that is a recipient
25 of United States assistance to facilitate, directly or

1 indirectly, the development of Syria's chemical, bio-
2 logical, radiological, or nuclear weapons capabilities,
3 long-range ballistic missile development programs, or
4 to help make operational any nuclear facility in
5 Syria will have a detrimental impact on United
6 States assistance to, or commercial and financial re-
7 lations with, such country.

8 **SEC. 102. CODIFICATION OF EXISTING SANCTIONS AND**
9 **CONTINUATION OF RESTRICTIONS AGAINST**
10 **THE GOVERNMENT OF SYRIA.**

11 (a) RESTRICTIONS RELATING TO CERTAIN PROVI-
12 SIONS OF LAW.—Restrictions against the Government of
13 Syria, and on persons by reason of their direction of, or
14 contribution to, activities of the Government of Syria, that
15 were imposed pursuant to the International Emergency
16 Economic Powers Act (50 U.S.C. 1701 et seq.), the Syria
17 Accountability and Lebanese Sovereignty Restoration Act
18 of 2003 (Public Law 108–175), the Iran, North Korea,
19 and Syria Nonproliferation Act (50 U.S.C. 1701 note), or
20 any similar provision of law, as in effect on the date of
21 the enactment of this Act, including the restrictions im-
22 posed under Executive Order 12938 (as amended by Exec-
23 utive Order 13094), Executive Order 13338, Executive
24 Order 13399, Executive Order 13460, and any similar Ex-
25 ecutive Order, shall remain in effect and may not be lifted

1 pursuant to such provisions of law until the President cer-
2 tifies to the appropriate congressional committees that the
3 Government of Syria—

4 (1) has ceased all support for terrorism, includ-
5 ing by meeting the requirements of paragraphs (2),
6 (3), and (4) of subsection (b), and has not provided
7 such support during the preceding 5-year period and
8 has not been determined by the Secretary of State,
9 for the purposes of section 6(j) of the Export Ad-
10 ministration Act of 1979, section 620A of the For-
11 eign Assistance Act of 1961, section 40 of the Arms
12 Export Control Act, or any other provision of law,
13 to be a government that has repeatedly provided
14 support for acts of international terrorism at any
15 time during such 5-year period;

16 (2)(A) has permanently dismantled Syria's
17 chemical, biological, radiological, and nuclear weap-
18 ons programs;

19 (B) has ceased all efforts to design, develop,
20 manufacture, or acquire—

21 (i) a nuclear explosive device or related
22 materials and technology;

23 (ii) chemical, biological, and radiological
24 weapons; and

1 (iii) ballistic missiles and ballistic missile
2 launch technology; and

3 (C) has taken demonstrable steps to combat the
4 proliferation of such weapons;

5 (3) does not pose a threat to United States na-
6 tional security, United States interests, and United
7 States allies in the region;

8 (4) respects the boundaries, sovereignty, and
9 right to exist of all neighboring countries; and

10 (5) upholds and defends the human rights and
11 civil liberties of its people.

12 (b) RESTRICTIONS RELATING TO STATE SPONSOR OF
13 TERRORISM DETERMINATION.—Restrictions against the
14 Government of Syria that were imposed by reason of a
15 determination by the Secretary of State that the Govern-
16 ment of Syria, for purposes of section 6(j) of the Export
17 Administration Act of 1979 (as continued in effect pursu-
18 ant to the International Emergency Economic Powers
19 Act), section 40 of the Arms Export Control Act, section
20 620A of the Foreign Assistance Act of 1961, or other pro-
21 vision of law, is a government that has repeatedly provided
22 support for acts of international terrorism, shall remain
23 in effect, and shall not be lifted pursuant to such provi-
24 sions of law, unless the President certifies to the appro-

1 priate congressional committees that the Government of
2 Syria—

3 (1) is not engaged in the illegal transfer of mis-
4 sile or nuclear technology to the Government of
5 North Korea or to any country the government of
6 which the Secretary of State has determined, for
7 purposes of any of the provisions of law specified in
8 the matter preceding this paragraph, is a govern-
9 ment that has repeatedly provided support for acts
10 of international terrorism;

11 (2) is no longer engaged in training, harboring,
12 supplying, financing, or supporting in any way—

13 (A) Hamas, Hezbollah, Palestinian Islamic
14 Jihad, the Popular Front for the Liberation of
15 Palestine, the Popular Front for the Liberation
16 of Palestine-General Command, the Democratic
17 Front for the Liberation of Palestine, Fatah al-
18 Intifada, or Fatah al-Islam;

19 (B) any other organization designated by
20 the Secretary of State as a foreign terrorist or-
21 ganization in accordance with section 219(a) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1189(a));

24 (C) any person included on the Annex to
25 Executive Order 13224 (September 23, 2001)

1 and any other person identified under section 1
2 of that Executive Order whose property and in-
3 terests in property are blocked by such section
4 (commonly known as a “specially designated
5 global terrorist”);

6 (D) any person designated under section 3
7 of Executive Order 13338 (May 13, 2004) or
8 under section 1 of Executive Order 13438 (July
9 17, 2007);

10 (E) the Syrian Social Nationalist Party;

11 (F) any other person or organization con-
12 tributing to instability in Lebanon or Iraq; and

13 (G) any agency, instrumentality, affiliate,
14 or successor organization of the organizations
15 listed in subparagraphs (A), (B), (C), (D), (E),
16 or (F).

17 (3) has immediately and unconditionally
18 stopped facilitating transit from Syria to Iraq of in-
19 dividuals, military equipment, and all lethal items,
20 except as authorized by the representative, inter-
21 nationally recognized Government of Iraq; and

22 (4) has ceased its support for “volunteers” and
23 terrorists who are traveling from and through Syria
24 into Iraq to launch attacks.

1 **SEC. 103. SANCTIONS AGAINST CERTAIN PERSONS.**

2 (a) PROHIBITION.—The sanctions described in sub-
3 section (b) shall be imposed on a person if such person
4 transfers or retransfers goods or technology so as to con-
5 tribute to the efforts by the Government of Syria to ac-
6 quire or develop destabilizing numbers or types of ad-
7 vanced conventional weapons, or to acquire, develop,
8 produce, or stockpile biological, chemical, radiological, or
9 nuclear weapons or long-range ballistic missiles.

10 (b) SANCTIONS.—The sanctions to be imposed on a
11 person pursuant to subsection (a) are as follows:

12 (1) PROCUREMENT SANCTION.—The United
13 States Government shall not procure, or enter into
14 any contract for the procurement of, any goods or
15 services from such sanctioned person.

16 (2) EXPORT SANCTION.—The United States
17 Government shall not issue any license for any ex-
18 port by or to such sanctioned person.

19 (3) IMPORT SANCTION.—The President shall
20 ban the importation of any article that is a product
21 of such sanctioned person.

22 (c) PERSONS AGAINST WHOM SANCTIONS ARE TO
23 BE IMPOSED.—The sanctions described in subsection (b)
24 shall be imposed on—

1 (1) any person the President determines has
2 carried out any of the activities described in sub-
3 section (a); and

4 (2) any person the President determines—

5 (A) is a successor entity to a person re-
6 ferred to in paragraph (1);

7 (B) is a parent or subsidiary of a person
8 referred to in paragraph (1) if such parent or
9 subsidiary engaged in any of the activities de-
10 scribed in subsection (a); or

11 (C) is an affiliate of a person referred to
12 in paragraph (1) if such affiliate engaged in
13 any of the activities described in subsection (a)
14 and if such affiliate is controlled in fact by a
15 person referred to in paragraph (1).

16 **SEC. 104. SANCTIONS AGAINST CERTAIN FOREIGN COUN-**
17 **TRIES.**

18 (a) PROHIBITION.—The President shall impose on
19 the government of a foreign country the sanctions de-
20 scribed in paragraphs (1), (2), and (3) of subsection (b)
21 and one or more of the sanctions described in paragraphs
22 (4), (5), and (6) of subsection (b), and the sanctions de-
23 scribed in subsection (c), if the President determines that
24 such government transfers or retransfers goods or tech-
25 nology, or provides assistance, so as to contribute to the

1 efforts by the Government of Syria to acquire or develop
2 destabilizing numbers and types of advanced conventional
3 weapons, or to acquire, develop, produce, or stockpile
4 chemical, biological, radiological, or nuclear weapons and
5 long-range ballistic missiles.

6 (b) SANCTIONS.—The sanctions referred to in sub-
7 section (a) are as follows:

8 (1) SUSPENSION OF UNITED STATES ASSIST-
9 ANCE.—The United States Government shall sus-
10 pend United States assistance to such sanctioned
11 country.

12 (2) SUSPENSION OF CODEVELOPMENT OR CO-
13 PRODUCTION AGREEMENTS.—The United States
14 Government shall suspend compliance with its obli-
15 gations under any memorandum of understanding
16 with such sanctioned country for the codevelopment
17 or coproduction of any item on the United States
18 Munitions List (established under section 38 of the
19 Arms Export Control Act (22 U.S.C. 2778)), includ-
20 ing any obligation for implementation of such memo-
21 randum of understanding through the sale to such
22 sanctioned country of technical data or assistance or
23 the licensing for export to such sanctioned country
24 of any component part.

1 (3) UNITED STATES MUNITIONS LIST.—No
2 item on the United States Munitions List (estab-
3 lished pursuant to section 38 of the Arms Export
4 Control Act) may be exported to such sanctioned
5 country.

6 (4) EXPORT SANCTION.—The United States
7 Government shall not issue any license for any ex-
8 port by or to such sanctioned country.

9 (5) IMPORT SANCTION.—The President shall
10 ban the importation of any article that is a product
11 of such sanctioned country.

12 (6) INTERNATIONAL FINANCIAL INSTITUTION
13 ASSISTANCE.—The Secretary of the Treasury shall
14 instruct the United States Executive Director at
15 each international financial institution (as defined in
16 section 1701(c)(2) of the International Financial In-
17 stitutions Act) to oppose and vote against the exten-
18 sion by such institution of any financial or technical
19 assistance to such sanctioned country.

20 (c) SUSPENSION OF MILITARY AND DUAL-USE
21 TECHNICAL EXCHANGE AGREEMENTS.—The United
22 States Government shall suspend compliance with its obli-
23 gations under any technical exchange agreement involving
24 military and dual-use technology between the United
25 States and such sanctioned country that does not directly

1 contribute to the national security of the United States,
 2 and no military or dual-use technology may be exported
 3 from the United States to such sanctioned country pursu-
 4 ant to such agreement during such period.

5 **TITLE II—SANCTIONS TARGETING SYRIA’S ENERGY SEC-** 6 **TOR**

8 **SEC. 201. IMPOSITION OF SANCTIONS.**

9 (a) IMPOSITION OF SANCTIONS.—Except as provided
 10 in subsection (f), the President shall impose on a person
 11 the sanctions specified in paragraphs (1) and (2) of sub-
 12 section (b) and one or more of the sanctions specified in
 13 paragraphs (3) through (6) of subsection (b), if the Presi-
 14 dent determines that such person has, on or after the date
 15 of the enactment of this Act, made an investment of
 16 \$5,000,000 or more (or any combination of investments
 17 thereof, which in the aggregate equals or exceeds
 18 \$5,000,000 in any 12-month period), that contributed to
 19 the enhancement of the Government of Syria’s ability to
 20 develop petroleum resources in Syria.

21 (b) SANCTIONS SPECIFIED.—The sanctions specified
 22 in this subsection are as follows:

23 (1) EXPORT-IMPORT BANK ASSISTANCE FOR
 24 EXPORTS TO SANCTIONED PERSONS.—The President
 25 shall direct the Export-Import Bank of the United

1 States not to give approval to the issuance of any
2 guarantee, insurance, extension of credit, or partici-
3 pation in the extension of credit in connection with
4 the export of any goods or services to any sanctioned
5 person.

6 (2) LOANS FROM UNITED STATES FINANCIAL
7 INSTITUTIONS.—The United States Government
8 shall prohibit any United States financial institution
9 from making loans or providing credits to any sanc-
10 tioned person totaling more than \$10,000,000 in
11 any 12-month period unless such person is engaged
12 in activities to relieve human suffering and such
13 loans or credits are provided for such activities.

14 (3) EXPORT SANCTION.—The President may
15 order the United States Government not to issue
16 any specific license and not to grant any other spe-
17 cific permission or authority to export any goods or
18 technology to a sanctioned person under—

19 (A) the Export Administration Act of
20 1979;

21 (B) the Arms Export Control Act;

22 (C) the Atomic Energy Act of 1954; or

23 (D) any other statute that requires the
24 prior review and approval of the United States

1 Government as a condition for the export or re-
2 export of goods or services.

3 (4) PROHIBITIONS ON FINANCIAL INSTITU-
4 TIONS.—The following prohibitions may be imposed
5 against a sanctioned person that is a financial insti-
6 tution:

7 (A) PROHIBITION ON DESIGNATION AS
8 PRIMARY DEALER.—Neither the Board of Gov-
9 ernors of the Federal Reserve System nor the
10 Federal Reserve Bank of New York may des-
11 ignate, or permit the continuation of any prior
12 designation of, such financial institution as a
13 primary dealer in United States Government
14 debt instruments.

15 (B) PROHIBITION ON SERVICE AS A RE-
16 POSITORY OF GOVERNMENT FUNDS.—Such fi-
17 nancial institution may not serve as an agent of
18 the United States Government or serve as re-
19 pository for United States Government funds.

20 The imposition of either sanction under subpara-
21 graph (A) or (B) shall be treated as one sanction for
22 purposes of this title, and the imposition of both
23 such sanctions shall be treated as two sanctions for
24 purposes of this title.

1 (5) PROCUREMENT SANCTION.—The United
2 States Government may not procure, or enter into
3 any contract for the procurement of, any goods or
4 services from a sanctioned person.

5 (6) ADDITIONAL SANCTIONS.—The President
6 may impose sanctions, as appropriate, to restrict im-
7 ports with respect to a sanctioned person, in accord-
8 ance with the International Emergency Economic
9 Powers Act.

10 (c) PERSONS AGAINST WHICH THE SANCTIONS ARE
11 TO BE IMPOSED.—The sanctions specified in subsection
12 (b) shall be imposed on—

13 (1) any person the President determines has
14 carried out an activity described in subsection (a);
15 and

16 (2) any person the President determines—

17 (A) is a successor entity to a person re-
18 ferred to in paragraph (1);

19 (B) is a parent or subsidiary of a person
20 referred to in paragraph (1) if such parent or
21 subsidiary engaged in an activity described in
22 subsection (a); or

23 (C) is an affiliate of a person referred to
24 in paragraph (1) if such affiliate engaged in an
25 activity referred to in paragraph (1) and if such

1 affiliate is controlled in fact by a person re-
2 ferred to in paragraph (1).

3 (d) PUBLICATION IN FEDERAL REGISTER.—The
4 President shall cause to be published in the Federal Reg-
5 ister a current list of sanctioned persons. The removal of
6 persons from, and the addition of persons to, such list of
7 sanctioned persons shall also be so published.

8 (e) PUBLICATION OF PROJECTS.—The President
9 shall cause to be published in the Federal Register a list
10 of all projects which have been publicly tendered in the
11 oil and gas sector in Syria.

12 (f) EXCEPTIONS.—The President shall not be re-
13 quired to apply or maintain the sanctions specified in sub-
14 section (b)—

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

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

22 (B) if the President determines and cer-
23 tifies in writing to the appropriate congressional
24 committees that the person to which the sanc-
25 tions would otherwise be applied is a sole source

1 supplier of the defense articles or services, that
2 such defense articles or services are essential,
3 and that alternative sources are not readily or
4 reasonably available; or

5 (C) if the President determines and cer-
6 tifies in writing to the appropriate congressional
7 committees that such articles or services are es-
8 sential to the national security of the United
9 States under defense coproduction agreements;

10 (2) in the case of procurement, to eligible prod-
11 ucts, as defined in section 308(4) of the Trade
12 Agreements Act of 1979 (19 U.S.C. 2518(4)), of
13 any foreign country or instrumentality designated
14 under section 301(b)(1) of that Act (19 U.S.C.
15 2511(b)(1));

16 (3) to products, technology, or services provided
17 under contracts entered into before the date on
18 which the President publishes in the Federal Reg-
19 ister the name of a person with respect to which the
20 sanctions are to be imposed;

21 (4) to—

22 (A) spare parts which are essential to
23 United States products or production; and

1 (B) component parts, but not finished
2 products, essential to United States products or
3 production; and
4 (5) to medicines, medical supplies, or other hu-
5 manitarian items.

6 **SEC. 202. ADVISORY OPINIONS.**

7 The Secretary of State may, upon the request of any
8 person, issue an advisory opinion to such person as to
9 whether a proposed activity by such person would subject
10 such person to sanctions under section 201. Any person
11 who relies in good faith on such an advisory opinion which
12 states that such proposed activity would not subject such
13 person to such sanctions, and any person who thereafter
14 engages in such activity, shall not be made subject to such
15 sanctions on account of such activity.

16 **SEC. 203. TERMINATION OF SANCTIONS.**

17 The requirement to impose sanctions under section
18 201 shall no longer have force or effect with respect to
19 the Government of Syria if the President determines and
20 certifies to the appropriate congressional committees that
21 the requirements of section 102 (a) and (b) have been met.

22 **SEC. 204. DURATION OF SANCTIONS; PRESIDENTIAL WAIV-**
23 **ER.**

24 (a) DELAY OF SANCTIONS.—

1 (1) CONSULTATIONS.—If the President makes a
2 determination under section 201 that sanctions spec-
3 ified in such section should be imposed with respect
4 to a foreign person, Congress urges the President to
5 initiate consultations immediately with the govern-
6 ment with primary jurisdiction over such foreign
7 person with respect to the imposition of such sanc-
8 tions under such section.

9 (2) ACTIONS BY GOVERNMENT OF JURISDIC-
10 TION.—In order to pursue consultations under para-
11 graph (1) with the government with primary juris-
12 diction over a foreign person described in such para-
13 graph, the President may delay imposition on such
14 foreign person of sanctions under section 201 for up
15 to 90 days. Following such consultations, the Presi-
16 dent shall immediately impose such sanctions unless
17 the President determines and certifies to the appro-
18 priate congressional committees that such govern-
19 ment has taken specific and effective actions, includ-
20 ing the imposition of appropriate penalties, to termi-
21 nate the involvement of such foreign person in the
22 activities that resulted in the determination by the
23 President to impose on such foreign person sanc-
24 tions under section 201.

1 (b) DURATION OF SANCTIONS.—Sanctions imposed
2 under section 201 shall remain in effect—

3 (1) for a period of not less than two years from
4 the date on which such sanctions are imposed; or

5 (2) until such time as the President determines
6 and certifies to the appropriate congressional com-
7 mittees that the person whose activities were the
8 basis for imposing such sanction is no longer engag-
9 ing in such activities and that the President has re-
10 ceived reliable assurances that such person will not
11 engage in such activities in the future, except that
12 such sanctions shall remain in effect for a period of
13 not less than one year.

14 (c) PRESIDENTIAL WAIVER.—The President may, on
15 a case by case basis, waive for a single period of not more
16 than six months the application of a sanction imposed on
17 a foreign person under section 201, if the President cer-
18 tifies to the appropriate congressional committees at least
19 30 days before such waiver is to take effect that—

20 (1) such waiver is vital to the national security
21 of the United States; and

22 (2) the government of the country with respect
23 to which such foreign person is a national has un-
24 dertaken substantial measures to prevent the acqui-
25 sition and development of weapons of mass destruc-

1 tion by the Government of Syria and to deny the
2 Government of Syria the resources and capability to
3 engage in the state-sponsorship of terrorism.

4 **SEC. 205. DETERMINATIONS NOT REVIEWABLE.**

5 A determination to impose sanctions under section
6 201 shall not be reviewable in any court.

7 **SEC. 206. EXCLUSION OF CERTAIN ACTIVITIES.**

8 Nothing in this title shall apply to any activities sub-
9 ject to the reporting requirements of title V of the Na-
10 tional Security Act of 1947.

11 **TITLE III—SYRIA NUCLEAR**
12 **WEAPONS PREVENTION**

13 **SEC. 301. FINDINGS.**

14 Congress finds the following:

15 (1) On September 6, 2007, Israeli warplanes
16 bombed a site at al-Kibar in northeastern Syria,
17 which the Syrians subsequently worked to conceal.
18 On April 24, 2008, senior United States intelligence
19 officials briefed Congress and the press about the al-
20 Kibar site, citing detailed information showing that
21 the al Kibar facility was a nuclear reactor, built with
22 North Korean assistance.

23 (2) Following the briefing, Syria granted Inter-
24 national Atomic Energy Agency (IAEA) inspectors
25 access to Dayr al-Zor (but denied them access to

1 three other sites), where they took environmental
2 samples on June 23, 2008. After the visit, Syria
3 suspended cooperation with the IAEA, which later
4 revealed that soil samples taken from the al-Kibar
5 site revealed “a significant number of natural ura-
6 nium particles” that were produced by human action
7 rather than being already present in the environ-
8 ment.

9 (3) The natural uranium found by the IAEA is
10 the type of fuel that would be fed into a reactor to
11 produce plutonium, which after extraction in a re-
12 processing facility, could fuel a nuclear bomb.

13 (4) Syria’s safeguards agreement with the
14 IAEA requires notification to the agency in advance
15 of construction of any nuclear facility, regardless of
16 the presence of nuclear material, and, as a result,
17 Syria’s construction of a reactor violated its IAEA
18 obligations.

19 **SEC. 302. ACTIONS WITHIN THE INTERNATIONAL ATOMIC**
20 **ENERGY AGENCY.**

21 (a) STATEMENT OF POLICY.—It shall be the policy
22 of the United States to oppose the development or acqui-
23 sition by Syria of a nuclear capability.

1 (b) UNITED STATES ACTIONS.—The President shall
2 instruct the United States Permanent Representative to
3 the International Atomic Energy Agency to—

4 (1) seek the adoption of a resolution declaring
5 Syria to be in violation of its IAEA obligations un-
6 less Syria immediately—

7 (A) declares all nuclear-related facilities;

8 (B) immediately and unconditionally sus-
9 pends any activity which could be used to de-
10 velop nuclear-weapons capability; and

11 (C) provides IAEA inspectors with full ac-
12 cess to its nuclear-related facilities;

13 (2) use all available political, economic, and dip-
14 lomatic tools, and shall use the voice, vote, and in-
15 fluence of the United States in all international or-
16 ganizations and associations of which it is a mem-
17 ber, including the IAEA and the Nuclear Suppliers
18 Group, to—

19 (A) block the development or acquisition
20 by Syria of a capacity to fabricate nuclear fuel;

21 (B) block the allocation of funds for any
22 IAEA development, environmental, or nuclear
23 science assistance or activity to Syria;

24 (C) block the allocation of funds for IAEA
25 development, environmental, or nuclear-related

1 assistance or activity to the Government of
2 Syria, including any agency or instrumentality
3 thereof; and

4 (D) block membership of the Government
5 of Syria on the Board of Governors of the
6 IAEA; and

7 (3) shall withhold from United States contribu-
8 tions to the IAEA an amount equal to that which
9 the IAEA expends on assistance to Syria.

10 **SEC. 303. RESTRICTIONS ON NUCLEAR COOPERATION WITH**
11 **COUNTRIES ASSISTING THE NUCLEAR PRO-**
12 **GRAM OF SYRIA.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law or any international agreement, no agreement
15 for cooperation between the United States and the govern-
16 ment of any country that is assisting the nuclear program
17 of Syria or transferring advanced conventional weapons or
18 missiles to Syria may be submitted to Congress pursuant
19 to section 123 of the Atomic Energy Act of 1954 (42
20 U.S.C. 2153), no such agreement may enter into force
21 with such country, no license may be issued for export di-
22 rectly or indirectly to such country of any nuclear mate-
23 rial, facilities, components, or other goods, services, or
24 technology that would be subject to such agreement, and
25 no approval may be given for the transfer or retransfer

1 directly or indirectly to such country of any nuclear mate-
2 rial, facilities, components, or other goods, services, or
3 technology that would be subject to such agreement, until
4 the President determines and reports to the Committee
5 on Foreign Affairs of the House of Representatives and
6 the Committee on Foreign Relations of the Senate that
7 the government of such country that is assisting the nu-
8 clear program of Syria or transferring advanced conven-
9 tional weapons or missiles to Syria—

10 (1) has suspended all nuclear assistance to
11 Syria or suspended transferring advanced conven-
12 tional weapons or missiles to Syria (as the case may
13 be); and

14 (2) is committed to maintaining such suspen-
15 sion.

16 (b) RULES OF CONSTRUCTION.—The restrictions de-
17 scribed in subsection (a)—

18 (1) shall apply in addition to all other applica-
19 ble procedures, requirements, and restrictions re-
20 quired by the Atomic Energy Act of 1954 and any
21 other law; and

22 (2) shall not be construed as affecting the valid-
23 ity of agreements for cooperation that are in effect
24 on the date of the enactment of this Act.

25 (c) DEFINITIONS.—In this section:

1 (1) AGREEMENT FOR COOPERATION.—The term
2 “agreement for cooperation” has the meaning given
3 such term in section 11 (b). of the Atomic Energy
4 Act of 1954 (42 U.S.C. 2014 b.).

5 (2) ASSISTING THE NUCLEAR PROGRAM OF
6 SYRIA.—The term “assisting the nuclear program of
7 Syria” means the intentional transfer to Syria by a
8 government, or by a person subject to the jurisdic-
9 tion of a government with the knowledge and acqui-
10 escence of such government, of goods, services, or
11 technology listed on the Nuclear Suppliers Group
12 Guidelines for the Export of Nuclear Material,
13 Equipment and Technology (published by the Inter-
14 national Atomic Energy Agency as Information Cir-
15 cular INFCIRC/254/Rev. 3/Part 1, and subsequent
16 revisions) or Guidelines for Transfers of Nuclear-Re-
17 lated Dual-Use Equipment, Material, and Related
18 Technology (published by the International Atomic
19 Energy Agency as Information Circular INFCIR/
20 254/Rev. 3/Part 2, and subsequent revisions).

21 (3) COUNTRY THAT IS ASSISTING THE NU-
22 CLEAR PROGRAM OF SYRIA OR TRANSFERRING AD-
23 VANCED CONVENTIONAL WEAPONS OR MISSILES TO
24 SYRIA.—The term “country that is assisting the nu-
25 clear program of Syria or transferring advanced con-

1 ventional weapons or missiles to Syria” means any
2 country determined by the President to be assisting
3 the nuclear program of Syria or transferring ad-
4 vanced conventional weapons or missiles to Syria.

5 (d) WAIVER.—The President may waive the applica-
6 tion of the sanctions described in subsection (a) if the
7 President—

8 (1) determines that such a waiver is vital to the
9 national security of the United States; and

10 (2) submits to the appropriate congressional
11 committees a report describing the reasons for such
12 determination.

13 **SEC. 304. EXCLUSION FROM THE UNITED STATES OF SEN-**
14 **IOR OFFICIALS OF FOREIGN PERSONS WHO**
15 **HAVE AIDED THE NUCLEAR PROGRAM OF**
16 **SYRIA.**

17 (a) GROUNDS FOR EXCLUSION.—Except as provided
18 in subsection (b), the Secretary of State shall deny a visa
19 to, and the Secretary of Homeland Security shall exclude
20 from the United States, any alien whom the Secretary of
21 State determines is an alien who, on or after the date of
22 the enactment of this Act, is a—

23 (1) person, agent, instrumentality, or official of,
24 is affiliated with, or is serving as a representative of,
25 the Government of Syria identified in a report sub-

1 mitted pursuant to section 2(a) of the Iran, North
2 Korea, and Syria Nonproliferation Act (Public Law
3 106–178);

4 (2) corporate officer, principal, or shareholder
5 with a controlling interest of a foreign person identi-
6 fied in a report submitted pursuant to such section;

7 (3) corporate officer, principal, or shareholder
8 with a controlling interest of a successor entity to,
9 or a parent or subsidiary of, a foreign person identi-
10 fied in such a report;

11 (4) corporate officer, principal, or shareholder
12 with a controlling interest of an affiliate of a foreign
13 person identified in such a report, if such affiliate
14 engaged in the activities referred to in such report,
15 and if such affiliate is controlled in fact by the for-
16 eign person identified in such report;

17 (5) spouse, minor child, or agent of a person
18 excludable under paragraph (1), (2), (3) or (4);

19 (6) senior official of a foreign government iden-
20 tified in such a report;

21 (7) senior official of a foreign government with
22 primary jurisdiction over a foreign person identified
23 in such a report; or

24 (8) spouse, minor child, or agent of a person
25 excludable under paragraph (6) or (7).

1 (b) EXCEPTION.—The President may waive the sanc-
2 tions described in subsection (a) with respect to a person
3 specified in paragraph (5), (6), or (7) if the President de-
4 termines and certifies in writing to the appropriate con-
5 gressional committees, on a case by case basis, that the
6 foreign government with primary jurisdiction over such
7 person has made and continues to make clear, specific ef-
8 forts to stop and deter the transfer or retransfer of, or
9 the permitting, hosting, or other facilitating of trans-
10 shipments that may enable the transfer or retransfer of,
11 goods or technology that contribute to the efforts by Syria,
12 as the case may be, to acquire or develop advanced conven-
13 tional weapons, or to acquire, develop, produce, or stock-
14 pile radiological or nuclear weapons.

15 (c) DEFINITIONS.—In subsection (b):

16 (1) TRANSFER.—The term “transfer” means
17 the conveyance of technological or intellectual prop-
18 erty, or the conversion of intellectual or technological
19 advances into marketable goods, services, or articles
20 of value, developed and generated in one place, to
21 another through illegal or illicit means to a country,
22 the government of which the Secretary of State has
23 determined, for purposes of section 6(j)(1)(A) of the
24 Export Administration Act of 1979 (as in effect pur-
25 suant to the International Emergency Economic

1 Powers Act), section 40(d) of the Arms Export Con-
2 trol Act (22 U.S.C. 2780(d)), and section 620A of
3 the Foreign Assistance Act of 1961 (22 U.S.C.
4 2371), is a government that has repeatedly provided
5 support for acts of international terrorism.

6 (2) TRANSSHIPMENT.—The term “trans-
7 shipment” means the export from one country to an-
8 other that passes through a third country, in which
9 cargo is off-loaded and there is some change to con-
10 veyance.

11 **TITLE IV—DIPLOMATIC EF-**
12 **FORTS TO ISOLATE THE GOV-**
13 **ERNMENT OF SYRIA**

14 **SEC. 401. SENSE OF CONGRESS RELATING TO BILATERAL**
15 **EFFORTS.**

16 It is the sense of Congress that the Secretary of State
17 should ensure that United States diplomatic personnel
18 abroad understand and, in their contacts with foreign offi-
19 cials, are communicating the reasons for United States
20 policy and sanctions against the Government of Syria, and
21 are urging foreign governments to cooperate more effec-
22 tively with the Government of the United States in com-
23 pelling the Government of Syria to cease policies and ac-
24 tivities that threaten global peace and security.

1 **SEC. 402. OPPOSITION TO SYRIA'S MEMBERSHIP AND CANDIDACY FOR LEADERSHIP POSTS IN UNITED**
2 **NATIONS INSTITUTIONS.**

4 The President shall direct the United States Permanent Representative to the United Nations, United Nations organizations and entities, and United Nations-affiliated agencies and bodies, to continue to use the voice, vote, and influence of the United States to oppose Syria's membership and candidacy for leadership posts in such institutions, and engage in diplomatic efforts to secure multilateral support for such efforts.

12 **SEC. 403. ACTIONS AT INTERNATIONAL FINANCIAL INSTITUTIONS.**

14 The President shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose any loan or other assistance to Syria and to oppose Syria's membership in each such institution.

21 **SEC. 404. ESTABLISHMENT OF UNITED STATES AND REGIONAL CONTACT GROUPS.**

23 The President shall seek to establish contact groups with relevant countries in the Middle East to provide forums in which United States officials who are responsible for counter-proliferation efforts are able to meet, at least

1 twice each year, with their counterparts from such coun-
2 tries to—

3 (1) discuss the global threats presented by Syr-
4 ian nuclear proliferation and sponsorship of inter-
5 national terrorism; and

6 (2) develop strategies to effectively address such
7 threats.

8 **SEC. 405. REPORT ON ASSISTANCE TO, AND COMMERCE**
9 **WITH, SYRIA.**

10 (a) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act and annually thereafter, the
12 President shall transmit to the appropriate congressional
13 committees a report on assistance to, and commerce with,
14 Syria by other foreign countries during the preceding 12-
15 month period.

16 (b) CONTENTS.—Each report required under sub-
17 section (a) shall, for the period covered by the report, con-
18 tain the following information, to the extent such informa-
19 tion is available:

20 (1) A description of all bilateral assistance pro-
21 vided to Syria by other foreign countries, including
22 humanitarian assistance.

23 (2) A description of Syria's commerce with
24 other foreign countries, including an identification of

1 Syria's trading partners and the extent of such
2 trade.

3 (3) A description of the joint ventures com-
4 pleted, or under consideration, by foreign nationals,
5 business firms, and persons involving facilities in
6 Syria, including an identification of the location of
7 the facilities involved and a description of the terms
8 of agreement of the joint ventures and the names of
9 the parties that are involved.

10 (4) A determination of the amount of debt of
11 the Government of Syria that is owed to each for-
12 eign country, including—

13 (A) the amount of debt exchanged, for-
14 given, or reduced under the terms of each in-
15 vestment or operation in Syria involving foreign
16 nationals; and

17 (B) the amount of debt owed to the foreign
18 country that has been exchanged, forgiven, or
19 reduced in return for a grant by the Govern-
20 ment of Syria of an equity interest in a prop-
21 erty, investment, or operation of the Govern-
22 ment of Syria or of a Syrian national.

23 (5) A description of the steps taken to assure
24 that raw materials and semifinished or finished
25 goods produced by facilities in Syria involving for-

1 eign nationals do not enter the United States mar-
 2 ket, either directly or through third countries or par-
 3 ties.

4 (6) An identification of countries and entities
 5 that provide, or have provided, arms or military sup-
 6 plies from Syria or that otherwise have entered into
 7 agreements with Syria that could have a military ap-
 8 plication, including—

9 (A) a description of the military supplies,
 10 equipment, or other material sold, bartered, or
 11 exchanged between Syria and such countries;

12 (B) a listing of the goods, services, credits,
 13 or other consideration received by Syria in ex-
 14 change for military supplies, equipment, or ma-
 15 terial; and

16 (C) the terms or conditions of any such
 17 agreement.

18 (c) FORM.—The report submitted under subsection
 19 (a) shall be in unclassified form but may include a classi-
 20 fied annex.

21 **TITLE V—ASSISTANCE TO** 22 **SUPPORT DEMOCRACY IN SYRIA**

23 **SEC. 501. DECLARATIONS OF POLICY.**

24 It shall be the policy of the United States to support
 25 independent human rights and pro-democracy forces in

1 Syria to promote the emergence of a democratic govern-
2 ment in Syria that will—

3 (1) denounce and combat terrorism;

4 (2) dismantle its chemical, biological, radio-
5 logical, and nuclear weapons programs and commit
6 to combating the proliferation of such weapons;

7 (3) respect the boundaries, sovereignty, and
8 right to exist of its neighbors and live in peace and
9 security with all the countries in the region; and

10 (4) uphold and defend the human rights and
11 civil liberties of its citizens.

12 **SEC. 502. ASSISTANCE TO SUPPORT A TRANSITION TO DE-**
13 **MOCRACY IN SYRIA.**

14 (a) **AUTHORIZATION.**—Notwithstanding any other
15 provision of law, the President is authorized to provide as-
16 sistance and other support for individuals and independent
17 nongovernmental organizations to support a transition to
18 a freely-elected, internationally recognized democratic gov-
19 ernment in Syria.

20 (b) **ACTIVITIES SUPPORTED.**—Assistance provided
21 under subsection (a) shall, to the maximum extent prac-
22 ticable, be used to carry out the following activities:

23 (1) Democracy-building and civil society efforts
24 in Syria, including the provision of assistance to or-
25 ganizations certified by the President to be inde-

1 pendent democratic organizations, victims of political
2 repression and their families, and prisoners of con-
3 science and their families.

4 (2) Radio and television broadcasting to Syria
5 to support democracy-building and civil society ef-
6 forts in Syria.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the President to carry
9 out this section such sums as may be necessary for fiscal
10 year 2010 and each subsequent fiscal year.

11 **SEC. 503. CONDEMNATION OF SYRIAN HUMAN RIGHTS**
12 **ABUSES.**

13 (a) STATEMENT OF POLICY.—It shall be the policy
14 of the United States—

15 (1) to condemn the consistent pattern of gross
16 violations of internationally recognized human rights
17 by the Government of Syria in all applicable inter-
18 national fora;

19 (2) to introduce and work toward the adoption
20 of a resolution at the upcoming session of the
21 United Nations General Assembly which details and
22 condemns the dismal human rights record of Syria;

23 (3) to support the people of Syria in their daily
24 struggle for freedom, respect for human rights and

1 civil liberties, democratic self-governance, and the es-
2 tablishment of the rule of law; and

3 (4) to reach out to dissidents, human rights ac-
4 tivists, and the nonviolent democratic opposition in
5 Syria, and to assist them in their efforts.

6 (b) ACTIONS AT THE UNITED NATIONS GENERAL
7 ASSEMBLY.—The President shall direct the United States
8 Permanent Representative to the United Nations to take
9 the necessary steps to secure support for the adoption of
10 a resolution at the United Nations General Assembly hold-
11 ing the Government of Syria accountable for its systematic
12 violations of human rights of Syrian and Lebanese citizens
13 and calling for the appointment of a United Nations Spe-
14 cial Rapporteur to investigate such human rights viola-
15 tions.

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