

Calendar No. 147

113TH CONGRESS
1ST SESSION**S. 960****[Report No. 113-79]**

To foster stability in Syria, and for other purposes.

 IN THE SENATE OF THE UNITED STATES

MAY 15, 2013

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

JULY 24, 2013

Reported by Mr. MENENDEZ, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To foster stability 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 Transition Support Act of 2013”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Appropriate congressional committees defined.
 Sec. 3. Findings.
 Sec. 4. *Sense of the Senate.*
 Sec. ~~4~~.5. Purposes of assistance.
 Sec. ~~5~~.6. No authorization for the use of military force.

TITLE I—UNITED STATES STRATEGY AND CONGRESSIONAL OVERSIGHT

- Sec. 101. Report on United States strategy on Syria.
 Sec. 102. Congressional oversight of United States Government activities in Syria.

TITLE II—HUMANITARIAN ASSISTANCE

- Sec. 201. Humanitarian assistance to the people of Syria.
 Sec. 202. *Humanitarian and development assistance through international organizations.*
 Sec. 203. *Bilateral assistance to countries that host Syrian refugees.*
 Sec. ~~202~~.204. Sense of Congress.
 Sec. ~~203~~.205. Report on strategy to communicate to the Syrian people about assistance provided by the United States Government.
 Sec. 206. *No authorization for new humanitarian funds.*

TITLE III—PROMOTING AN EFFECTIVE TRANSITION

- Sec. 301. Syria Transition Fund.
 Sec. 302. Adjusting sanctions provisions in preparation for a political transition.
 Sec. 303. Report on Syrian weapons stockpiles.
 Sec. 304. Pre-transition international consensus.
 Sec. 305. *International support for a peaceful transition.*

TITLE IV—SANCTIONS

- Sec. 401. Definitions.
 Sec. ~~402~~. ~~Imposition of sanctions with respect to selling, transferring, or transporting defense articles, defense services, or military training to the Assad regime of Syria.~~
 Sec. ~~403~~. ~~Imposition of sanctions with respect to persons providing petroleum or petroleum products to the Assad regime of Syria.~~
 Sec. 402. *Imposition of sanctions with respect to the sale, transfer, or transportation of defense articles, defense services, or military training to the Assad regime of Syria.*
 Sec. 403. *Imposition of sanctions with respect to the provision of petroleum or petroleum products to the Assad regime of Syria.*
 Sec. 404. Sanctions described.
 Sec. ~~405~~. ~~Waivers.~~
 Sec. 405. *National security waiver.*
 Sec. 406. Sense of Congress on sanctions.

TITLE V—INCREASED SUPPORT FOR THE OPPOSITION

- Sec. 501. Lethal and increased non-lethal support for the vetted opposition.
 Sec. 502. *Prohibition on aid to Free Syrian Army in event of chemical weapons use.*

Sec. 503. Prohibition on aid to Free Syrian Army in event of sale or illegal transfer of United States defense articles or services.

1 **SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
2 **FINED.**

3 In this Act, except as specifically provided in title IV
4 of this Act, the term “appropriate congressional commit-
5 tees” means the Committee on Foreign Relations of the
6 Senate and the Committee on Foreign Affairs of the
7 House of Representatives.

8 **SEC. 3. FINDINGS.**

9 Congress makes the following findings:

10 (1) Since mass peaceful demonstrations started
11 in Syria on March 15, 2011, the Government of
12 Syria, led by Bashar al-Assad, has responded by
13 committing human rights abuses and launching a
14 violent crackdown that has claimed an estimated
15 70,000 lives and degenerated into a civil war.

16 (2) The civil war has caused a humanitarian
17 crisis. According to the United Nations, there are
18 more than 1,400,000 Syrian refugees registered in
19 Lebanon, Turkey, Jordan, Egypt, and Iraq and
20 more than 2,600,000 Syrians displaced within the
21 country. More than three-quarters of refugees and
22 internally displaced persons are women and children.

23 (3) The refugee crisis threatens the stability of
24 the Middle East, putting immense burdens on Syr-

1 ia’s neighbors, most notably Lebanon and Jordan,
2 but also Turkey and Iraq.

3 (4) The civil war has increased the danger that
4 the Assad regime could lose control of its chemical
5 weapons stockpile, with the chemical weapons poten-
6 tially falling into the hands of terrorist groups like
7 Hizballah and al Qaeda.

8 (5) On April 25, 2013, the White House issued
9 a letter to Congress stating that “our intelligence
10 community does assess with varying degrees of con-
11 fidence that the Syrian regime has used chemical
12 weapons on a small scale in Syria, specifically the
13 chemical agent Sarin”.

14 (6) The security vacuum in Syria has created a
15 safe haven for both Shia and Sunni extremists,
16 which could threaten the security of the United
17 States and its partners in the region.

18 (7) Instability in Syria has threatened Israel’s
19 security, particularly on the shared border along the
20 Golan Heights.

21 (8) A change of government in Syria could be
22 a significant blow to the Government of Iran and
23 Hizballah, which would lose a strong ally and which
24 have also been aggressively providing military and
25 other assistance to Bashar al-Assad’s forces, includ-

1 ing through the trafficking of weapons and supplies
2 on commercial flights originating from or termi-
3 nating in Iran.

4 (9) The commitments made by the National Co-
5 alition for Syrian Revolutionary and Opposition
6 Forces at the international meeting in Istanbul on
7 April 20 and 21, 2013, constitute an important en-
8 dorsement of shared principles and objectives that
9 should guide United States Government cooperation
10 with the National Coalition for Syrian Revolutionary
11 and Opposition Forces and affiliated forces. These
12 principles include a commitment to the territorial in-
13 tegrity of Syria, a rejection of sectarianism and ex-
14 tremism, and pledges to secure chemical weapons
15 and support nonproliferation efforts.

16 (10) It is vital to the national security interests
17 of the United States to ensure that the United
18 States planning and programs, specifically those
19 conducted under the authorities or funding provided
20 in or authorized under this Act, are focused on en-
21 suring a stable and appropriate political transition
22 in Syria and limiting the threats posed by extremist
23 groups, weapons proliferation, sectarian and ethnic
24 violence, and refugee flows in the aftermath of the
25 current conflict.

1 (11) *The President's goals of Assad leaving*
2 *power, an end to the violence, and a negotiated polit-*
3 *ical settlement in Syria are prerequisites for a stable,*
4 *democratic future for Syria and regional peace and*
5 *security, but absent decisive changes to the present*
6 *military balance of power on the ground in Syria,*
7 *sufficient incentives do not yet exist for the achieve-*
8 *ment of such goals.*

9 (12) *The leadership of many United States*
10 *friends and allies, including the Prime Minister of the*
11 *United Kingdom, the President of France, the Prime*
12 *Minister of Turkey, the King of Jordan, the King of*
13 *Saudi Arabia, the Crown Prince of the United Arab*
14 *Emirates, and the Amir of Qatar, have stated their*
15 *strong support for more robust international response*
16 *to change the military balance of power on the ground*
17 *in Syria.*

18 (13) *The President should increase his consulta-*
19 *tions with Congress regarding what additional re-*
20 *sources and authorities may be necessary to support*
21 *United States national security interests in Syria, in-*
22 *cluding the defense of United States allies and part-*
23 *ners in the Middle East.*

24 **SEC. 4. SENSE OF THE SENATE.**

25 *It is the sense of the Senate that the United States—*

1 (1) *strongly condemns the ongoing violence and*
2 *widespread human rights violations perpetrated*
3 *against the Syrian people by the regime of President*
4 *Bashar al-Assad;*

5 (2) *should support civilians and innocent vic-*
6 *tims of the conflict in Syria, particularly women and*
7 *children who are displaced and vulnerable to physical*
8 *and psychological exploitation;*

9 (3) *affirms the neutrality of medical profes-*
10 *sionals providing humanitarian assistance and health*
11 *care on a non-political basis and condemns attacks*
12 *against such personnel or interference in the provi-*
13 *sion of medical care;*

14 (4) *should support efforts of democratically ori-*
15 *ented political opposition groups in Syria to agree*
16 *upon a political transition plan that is inclusive and*
17 *protects the rights of all minority ethnic groups in the*
18 *country;*

19 (5) *welcomes the pledges of humanitarian assist-*
20 *ance made by the Governments of Australia, Bot-*
21 *swana, Brazil, Canada, China, India, Japan, Repub-*
22 *lic of Korea, Kuwait, Morocco, New Zealand, Qatar,*
23 *Saudi Arabia, Turkey, the United Arab Emirates,*
24 *and members of the European Union, and encourages*
25 *prompt delivery of those pledges, which will con-*

1 *tribute to meeting the needs of the victims of this con-*
2 *flict, and encourages all donors to coordinate with the*
3 *United Nations;*

4 *(6) should help ensure that, once a stable transi-*
5 *tional government is established in Syria, it is com-*
6 *mitted to multiparty democracy, open and trans-*
7 *parent governance, respect for human rights and reli-*
8 *gious freedom, protection of refugees and asylees, pro-*
9 *moting peace and stability with its neighbors, en-*
10 *hancing the rule of law, and rehabilitating and re-*
11 *integrating former combatants; and*

12 *(7) should fully implement existing sanctions on*
13 *Syria, including Executive Order 13606, dated April*
14 *22, 2012, which sanctions any individual or entity*
15 *that assists or enables the commission of serious*
16 *human rights abuses, through computer or network*
17 *disruption, tracking, or monitoring, by the Govern-*
18 *ment of Syria or the Government of Iran.*

19 **SEC. 4.5. PURPOSES OF ASSISTANCE.**

20 The purposes of assistance authorized by this Act
21 are—

22 (1) to support transition from the current re-
23 game to a just and democratic state that is inclusive
24 and protects the rights of all Syrians regardless of
25 religion, ethnicity, or gender;

1 (2) to assist the people of Syria, especially in-
2 ternally displaced persons and refugees, in meeting
3 basic needs including access to food, health care,
4 shelter, and clean drinking water;

5 (3) to provide political and economic support to
6 those neighboring countries who are hosting refugees
7 fleeing Syria and to international organizations that
8 are providing assistance and coordinating humani-
9 tarian relief efforts;

10 (4) to oppose the unlawful use of violence
11 against civilians by all parties to the conflict in
12 Syria;

13 (5) to use a broad array of instruments of na-
14 tional power to expedite a negotiated solution to the
15 conflict in Syria, including the departure of Bashar
16 al-Assad;

17 (6) to recognize the National Coalition for Syr-
18 ian Revolutionary and Opposition Forces (in this
19 Act referred to as the “Syrian Opposition Coalition”
20 or “SOC”) as a legitimate representative of the Syr-
21 ian people;

22 (7) to engage with opposition groups that re-
23 flect United States interests and values, most nota-
24 bly the Syrian Opposition Coalition, any legitimate
25 successor groups, including appropriate subgroups

1 within the opposition that are representative of the
2 Syrian people, as well as the broader international
3 community, that are committed to facilitating an or-
4 derly transition to a more stable democratic political
5 order, including—

6 (A) protecting human rights, expanding
7 political participation, and providing religious
8 freedom to all Syrians, irrespective of religion,
9 ethnicity, or gender;

10 (B) supporting the rule of law;

11 (C) rejecting terrorism and extremist
12 ideologies;

13 (D) subordinating the military to civilian
14 authority;

15 (E) protecting the Syrian population
16 against sectarian violence and reprisals;

17 (F) cooperating with international counter-
18 terrorism and nonproliferation efforts, *as well*
19 *as securing, dismantling, and eventual destruc-*
20 *tion of any inherited nuclear, chemical, or bio-*
21 *logical weapons of mass destruction (WMD) or*
22 *WMD-related programs;*

23 (G) supporting regional stability and avoid-
24 ing interference in the affairs of neighboring
25 countries; and

1 (H) establishing a strong justice system
2 and ensuring accountability for conflict-related
3 crimes;

4 (8) to promote the territorial integrity of Syria
5 and continuity of the Syrian state by supporting a
6 post-Assad government that is capable of providing
7 security, services, and political and religious rights
8 to its people;

9 (9) to provide foreign assistance, defense arti-
10 cles, defense services, and training to specific mem-
11 bers of the Syrian Supreme Military Council, par-
12 ticular units of the Free Syrian Army, and other
13 Syrian entities opposed to the government of Bashar
14 al-Assad that have been properly and fully vetted
15 and share common values and interests with the
16 United States;

17 (10) to closely coordinate with key partners on
18 contingency planning, including Turkey, Jordan,
19 Israel, the Gulf Cooperation Council, and the Euro-
20 pean Union, to ensure that these partners are pre-
21 pared for an appropriate response to the evolving
22 situation in Syria, including being ready and capable
23 of securing of chemical or biological weapons or
24 other proliferation emergencies, preventing the flow
25 of fighters and weapons out of Syria into neigh-

1 boring countries, or taking other measures against
2 the Government of Syria, including contingency
3 planning for a no-fly zone;

4 (11) to support efforts to identify and docu-
5 ment the activities of those individuals who target or
6 lead units or organizations that target civilian popu-
7 lations and vulnerable populations, including women
8 and children, or have engaged in otherwise unlawful
9 acts, and to ensure that they are held accountable
10 for their actions; and

11 ~~(12) to ensure a stable and appropriate political~~
12 ~~for their actions;~~

13 *(12) to support programs that provide scholars,*
14 *scientists, and tertiary level students in Syria and*
15 *their families, whose lives, health, and freedoms are at*
16 *risk as a result of their academic pursuits, fellowship*
17 *and scholarship opportunities at safe host universities*
18 *outside Syria in order to ensure that they can be an*
19 *asset to the rebuilding of a stable and democratic*
20 *Syria; and*

21 *(13) to ensure a stable and appropriate political*
22 *transition in Syria and limit the threats posed by ex-*
23 *tremist groups, weapons proliferation, sectarian and*
24 *ethnic violence, and refugee flows in the aftermath*
25 *of the current conflict.*

1 **SEC. 5.6. NO AUTHORIZATION FOR THE USE OF MILITARY**
2 **FORCE.**

3 Nothing in this Act shall be construed as providing
4 authorization for the use of military force by the United
5 States Armed Forces.

6 **TITLE I—UNITED STATES STRAT-**
7 **EGY AND CONGRESSIONAL**
8 **OVERSIGHT**

9 **SEC. 101. REPORT ON UNITED STATES STRATEGY ON SYRIA.**

10 (a) **IN GENERAL.**—Not later than 60 days after the
11 date of the enactment of this Act, the Secretary of State
12 shall submit to the appropriate congressional committees
13 an unclassified report, with an classified annex, as nec-
14 essary, on an integrated United States Government strat-
15 egy to achieve the purposes set forth in section 4 5.

16 (b) **METRICS.**—The strategy referenced in subsection
17 (a) should include specific proposed actions to be taken
18 by each relevant government agency, a timeframe for be-
19 ginning and completing such actions, and metrics for eval-
20 uating the success of each proposed action relative to the
21 purpose of such action.

22 (c) **INTERNATIONAL ENGAGEMENT STRATEGY.**—The
23 strategy referenced in subsection (a) should specifically in-
24 clude sections describing specific United States Govern-
25 ment programs and efforts—

1 (1) to establish international consensus on the
2 transition and post-transition period and government
3 in Syria;

4 (2) to work with the Government of Russia on
5 the situation in Syria and the transition and post-
6 transition period and government in Syria, including
7 how such programs can leverage the shared interests
8 of the United States and Russia in avoiding the ex-
9 pansion of extremist ideologies and terrorist groups
10 in Syria and the region;

11 (3) to work with the Friends of Syria group to
12 ensure that extremist and terrorist groups in Syria
13 are isolated and that the core of the opposition can
14 be brought to the negotiating table; and

15 (4) to build an international consensus to limit
16 and, to the greatest extent possible eliminate, sup-
17 port from the Government of Iran for the Syrian re-
18 gime, including a potential ban on all commercial
19 flights between Iran and Syria.

20 (d) CONGRESSIONAL CONSULTATION.—The Presi-
21 dent shall actively consult with the appropriate congres-
22 sional committees prior to the submission of the report
23 required under subsection (a).

1 **SEC. 102. CONGRESSIONAL OVERSIGHT OF UNITED STATES**

2 **GOVERNMENT ACTIVITIES IN SYRIA.**

3 (a) **IN GENERAL.**—The President shall keep Con-
4 gress, through the appropriate congressional committees,
5 fully and currently informed of all United States Govern-
6 ment activities with respect to Syria, including activities
7 and programs conducted or funded pursuant to this Act.

8 (b) **REPORTING.**—The President shall provide a clas-
9 sified briefing not less than on a quarterly basis to the
10 appropriate congressional committees detailing all United
11 States Government activities with respect to Syria, includ-
12 ing activities and programs conducted or funded pursuant
13 to this Act.

14 **TITLE II—HUMANITARIAN**
15 **ASSISTANCE**

16 **SEC. 201. HUMANITARIAN ASSISTANCE TO THE PEOPLE OF**
17 **SYRIA.**

18 (a) **AUTHORITY.**—Notwithstanding any other provi-
19 sion of law that restricts the provision of United States
20 economic or other non-military assistance in Syria, the
21 President is authorized to provide economic and other
22 non-military assistance to meet humanitarian needs to the
23 people of Syria, either directly or through appropriate
24 groups and organizations pursuant to the provisions of the
25 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)

1 or the Migration and Refugee Assistance Act (22 U.S.C.
2 2601 et seq.).

3 ~~(b) RULE OF CONSTRUCTION.—Nothing in this sec-~~
4 ~~tion shall be construed to authorize new or additional~~
5 ~~funding for humanitarian needs.~~

6 **SEC. 202. HUMANITARIAN AND DEVELOPMENT ASSISTANCE**
7 **THROUGH INTERNATIONAL ORGANIZATIONS.**

8 *The President should instruct the United States per-*
9 *manent representative or executive director, as the case may*
10 *be, to the United Nations voluntary agencies, including the*
11 *World Food Program, the United Nations Development Pro-*
12 *gram, the United Nations Children’s Fund, and the United*
13 *Nations High Commissioner for Refugees, and other appro-*
14 *priate international organizations such as the Inter-*
15 *national Committee of the Red Cross to use the voice and*
16 *vote of the United States to support humanitarian and de-*
17 *velopment assistance for the people of Syria in order to ac-*
18 *complish the purposes described in section 5.*

19 **SEC. 203. BILATERAL ASSISTANCE TO COUNTRIES THAT**
20 **HOST SYRIAN REFUGEES.**

21 *The President should support bilateral refugee assist-*
22 *ance programs in countries, including Iraq, Jordan, Tur-*
23 *key, Egypt, and Lebanon, which have experienced an influx*
24 *of refugees from Syria.*

1 **SEC. 202-204. SENSE OF CONGRESS.**

2 Consistent with the policy objectives described in sec-
3 tion 4 5, it is the sense of Congress that—

4 (1) the United States should continue to coordi-
5 nate with other donor nations, the United Nations,
6 other multilateral agencies, and nongovernmental or-
7 ganizations to enhance the effectiveness of humani-
8 tarian assistance to the people suffering as a result
9 of the crisis in Syria;

10 (2) countries hosting Syrian refugees should be
11 commended for their efforts and should be encour-
12 aged to maintain an open border policy for fleeing
13 Syrians;

14 (3) the United States Government should con-
15 tinue to work with these partners to help their na-
16 tional systems accommodate the population influx
17 and also maintain delivery of basic services to their
18 own citizens; and

19 (4) the United States Government should seek
20 to identify humanitarian assistance as originating
21 from the American people wherever possible and to
22 the fullest extent practicable, while maintaining con-
23 sideration for the health and safety of the implemen-
24 ters and recipients of that assistance and the
25 achievement of United States policy goals and the
26 purposes set forth in section 4.

1 (4) *all assistance made available under this sec-*
2 *tion should, without restricting the ability of a con-*
3 *tractor or grantee to use its own organizational brand*
4 *or logo for purposes of identification (subject to such*
5 *standards or regulations as the President may estab-*
6 *lish), be identified as being “From the American Peo-*
7 *ple” if the relevant Assistant Secretary of State, in*
8 *consultation with the implementing partner, deter-*
9 *mines that such identification would not—*

10 (A) *jeopardize the safety or impartiality of*
11 *implementing partners that deliver the assist-*
12 *ance;*

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

15 (C) *compromise the intrinsic independence*
16 *or neutrality of a program or materials where*
17 *implementing partner independence or neu-*
18 *trality is inherently important to the success of*
19 *the effort;*

20 (D) *undermine United States efforts to em-*
21 *power the democratically oriented political oppo-*
22 *sition; or*

23 (E) *otherwise render the provision of assist-*
24 *ance impracticable.*

1 **SEC. 203.205. REPORT ON STRATEGY TO COMMUNICATE TO**
2 **THE SYRIAN PEOPLE ABOUT ASSISTANCE**
3 **PROVIDED BY THE UNITED STATES GOVERN-**
4 **MENT.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of State
7 shall submit to the appropriate congressional committees
8 an unclassified report with a classified annex, as nec-
9 essary, on an integrated United States Government strat-
10 egy to ensure that the people of ~~Syria~~ *Syria* are
11 made aware to the maximum extent possible of the assist-
12 ance that the United States Government provides to Syr-
13 ians both inside Syria and those seeking refuge in neigh-
14 boring countries.

15 (b) CONTENT.—The report should include the fol-
16 lowing elements:

17 (1) A discussion of how the United States bal-
18 ances three imperatives of—

19 (A) maximizing the efficacy of aid provided
20 to the people of Syria;

21 (B) ensuring that there is awareness
22 among the people of Syria on the amount and
23 nature of this aid; and

24 (C) leveraging this aid to improve the
25 credibility of the Syrian Opposition Coalition
26 amongst the people of Syria.

1 (2) Methods by which the United States Gov-
2 ernment and its partners plan to communicate to
3 the people of Syria what assistance the United
4 States has provided.

5 (3) A plan, with specific action, timelines, and
6 evaluation metrics for promoting awareness of the
7 United States Government's assistance to the max-
8 imum extent possible while taking into consideration
9 and ensuring the safety of its implementing partners
10 and personnel providing that assistance and the
11 achievement of the United States policy goals and
12 the purposes set forth in section 4 5.

13 (4) An assessment of the Syrian Opposition
14 Coalition's Assistance Coordination Unit (ACU)'s, or
15 any appropriate successor entity's, capacity to par-
16 ticipate in the distribution of assistance, and a de-
17 scription of steps the United States Government is
18 taking to increase their profile so as to help build
19 their credibility among Syrians.

20 **SEC. 206. NO AUTHORIZATION FOR NEW HUMANITARIAN**
21 **FUNDS.**

22 *Nothing in this title shall be construed to authorize*
23 *new or additional funding for humanitarian needs or aid*
24 *to international organizations.*

1 **TITLE III—PROMOTING AN**
2 **EFFECTIVE TRANSITION**

3 **SEC. 301. SYRIA TRANSITION FUND.**

4 (a) SYRIA TRANSITION FUND.—

5 (1) ESTABLISHMENT.—There is established a
6 Syria Transition Fund (in this title referred to as
7 the “Transition Fund”) from which funds may be
8 made available, notwithstanding any other provision
9 of law that restricts the provision of United States
10 economic or non-military assistance in Syria, for as-
11 sistance and contributions to promote security and
12 support the objectives described in section 4 5.

13 (2) OBLIGATION OF FUNDS; NOTIFICATION.—

14 (A) IN GENERAL.—The Transition Fund
15 may rely upon the administrative authorities of
16 the Foreign Assistance Act of 1961 (22 U.S.C.
17 2151 et seq.), and obligation of such funds may
18 not occur until 15 days after the date on which
19 the President has provided notice of intent to
20 obligate to the appropriate congressional com-
21 mittees and the Committees on Appropriations
22 of the Senate and the House of Representa-
23 tives.

24 (B) WAIVER.—The notification required
25 under subparagraph (A) may be waived if fail-

1 ure to do so would pose a substantial risk to
2 human health or welfare, in which case notifica-
3 tion shall be provided as early as practicable,
4 but in no event later than three days after tak-
5 ing the action to which such notification re-
6 quirement was applicable in the context of the
7 circumstances necessitating such waiver. Any
8 notification provided pursuant to such a waiver
9 shall contain an explanation of the emergency
10 circumstances.

11 (b) PURPOSE.—The purpose of the Transition Fund
12 is to provide support in the early transition period to en-
13 able an effective political transition to a more democratic
14 and inclusive political structure and provide for initiatives
15 that will improve the security of the United States, United
16 States partners and allies, and the people of Syria. The
17 Transition Fund may be used to support programs in the
18 following areas and in priority order:

19 (1) SECURITY SECTOR SUPPORT.—Programs to
20 train, equip, and professionalize law enforcement
21 and military forces in Syria, including police and
22 border protection forces, to protect the people of
23 Syria.

24 (2) SUPPORT FOR REGIONAL STABILITY.—Pro-
25 grams to support government agencies and law en-

1 forcement and military forces in Syria, as well as
 2 those in neighboring countries, to provide support to
 3 refugees from Syria, to stem the flow of weapons
 4 and fighters out of Syria into other nations, and to
 5 prevent the proliferation of chemical or other weap-
 6 ons of mass destruction, including preventing such
 7 weapons from falling into the hands of al Qaeda,
 8 Hizballah, and other terrorist groups.

9 (3) *TECHNICAL ASSISTANCE FOR PHASED DISAR-*
 10 *MAMENT.—Technical assistance to transitional au-*
 11 *thorities to—*

12 (A) *create special weapons storage sites used*
 13 *to separately warehouse and catalogue vetted*
 14 *groups' weaponry during a transition period;*

15 (B) *repurpose weapons systems for eventual*
 16 *new Syrian security forces; and*

17 (C) *transition rebel groups into civilian life*
 18 *or official membership in new forces.*

19 ~~(3)~~(4) *TRANSITIONAL JUSTICE AND CONFLICT*
 20 *RESOLUTION.—Programs to reduce the likelihood of*
 21 *retribution or sectarian violence in the aftermath of*
 22 *the end of the Assad regime and to promote the cre-*
 23 *ation of a stable center, including improving rela-*
 24 *tions between the moderate Sunni, Alawite, and*
 25 *Christian communities.*

1 ~~(4)~~(5) TECHNICAL ASSISTANCE TO PROMOTE
 2 DEMOCRACY AND BUILDING DEMOCRATIC INSTITU-
 3 TIONS.—Technical assistance, capacity building, and
 4 training programs that—

5 (A) facilitate the development of an ac-
 6 countable, effective, and representative demo-
 7 cratic government;

8 (B) protect the rule of law ~~during the tran-~~
 9 ~~sition;~~

10 (C) support the development and adminis-
 11 tration of a modern justice system;

12 (D) assist with the development of a Syr-
 13 ian constitution that fosters a sense of unity
 14 and contributes to national reconciliation
 15 among different components of Syrian society;
 16 and

17 ~~(E) support the establishment of an inclu-~~
 18 ~~sive and transparent electoral system in Syria.~~

19 (E) support the establishment of an inclu-
 20 sive and transparent electoral system in Syria;
 21 and

22 (F) develop the capacity of democratically-
 23 oriented political parties and civil society orga-
 24 nizations.

1 ~~(5)~~(6) TECHNICAL ASSISTANCE TO SUPPORT
2 ECONOMIC REVITALIZATION.—Technical assistance,
3 capacity building, and training programs that sup-
4 port the resumption of economic activity, restore ac-
5 cess to international markets, promote international
6 investment, provide for financial transparency and
7 fiscal stability, and empower the private sector.

8 ~~(6)~~(7) TECHNICAL ASSISTANCE FOR BASIC
9 SERVICES.—Technical assistance, capacity building,
10 and training programs to provide basic civil govern-
11 ment services to the people of Syria.

12 ~~(7)~~(8) COLLECTION OF EVIDENCE ON UNLAW-
13 FUL ACTIVITIES TARGETING CIVILIAN POPU-
14 LATIONS.—Programs that support the collection of
15 evidence related to the activities of those individuals
16 who target or lead units or organizations that target
17 civilian populations and vulnerable populations, in-
18 cluding women and children, or have engaged in oth-
19 erwise unlawful acts, and to ensure that they are
20 held accountable for their actions.

21 (9) *POST-CONFLICT STABILIZATION.—High-level*
22 *diplomacy and planning for post-conflict stabilization*
23 *efforts.*

24 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
25 tion to other assistance authorized under law, there is au-

1 thORIZED to be appropriated to the Transition Fund, out
2 of amounts appropriated for the support of political and
3 economic transition in the Middle East and North Africa,
4 up to \$250,000,000 annually for fiscal years 2013 through
5 2015.

6 (d) USES OF FUNDS FOR NONPROLIFERATION.—
7 Notwithstanding any other provision of law that restricts
8 the provision of United States assistance in Syria, up to
9 \$100,000,000 of the funds authorized to be appropriated
10 annually under subsection (c) may also be transferred to
11 and merged with funds made available to carry out in
12 Syria the purposes of chapter 9 of part II of the Foreign
13 Assistance Act of 1961 (22 U.S.C. 2349bb et seq.; non-
14 proliferation and export control assistance).

15 (e) TRANSFER AUTHORITY.—

16 (1) IN GENERAL.—In addition to other transfer
17 authorities available to the Department of State, the
18 Department of Defense, or other United States Gov-
19 ernment agencies or departments, funds available for
20 foreign assistance or funds of the Department of
21 Defense or other United States Government agencies
22 or departments that are specifically allocated to-
23 wards addressing the situation in Syria may be
24 transferred to the Transition Fund by the agencies
25 or departments to which the funds are available,

1 subject to existing reprogramming requirements and
2 limitations, including congressional notification and
3 approval requirements. Amounts so transferred shall
4 be merged with funds otherwise made available
5 under this section and remain available until ex-
6 pended for the purposes specified in subsection (b).

7 (2) LIMIT.—The total amount of funds made
8 available to the Transition Fund may not exceed
9 \$250,000,000 in any fiscal year.

10 (3) TRANSFER AUTHORITY.—Funds available to
11 carry out assistance authorized by this section may
12 be transferred to an agency or account determined
13 most appropriate to facilitate the provision of assist-
14 ance authorized by this section.

15 (4) ADDITIONAL TO OTHER AUTHORITIES.—
16 The transfer authorities in paragraphs (1) and (3)
17 are in addition to any other transfer authority avail-
18 able to the Department of State or other United
19 States Government agencies.

20 (f) SUNSET PROVISION.—Unless specifically renewed,
21 the Transition Fund shall terminate on September 30,
22 2015.

23 (g) ANNUAL REPORT.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the establishment of the Transition Fund, and

1 annually thereafter for the duration of the Transi-
2 tion Fund, the Secretary of State, in collaboration
3 with the Secretary of Defense and other appropriate
4 agencies, shall submit to the appropriate congress-
5 sional committees a report on United States efforts
6 to assist the political transition in Syria with a spe-
7 cific focus on the efforts supported by the Transition
8 Fund. The Secretary shall also provide an update
9 briefing to the appropriate congressional committees
10 every 180 days.

11 (2) CONTENT.—The report required under
12 paragraph (1) shall include the following elements:

13 (A) A description of the efforts undertaken
14 and planned to be undertaken by the United
15 States Government through the Transition
16 Fund to support the policy objectives outlined
17 in section 4 5.

18 (B) A description of the efforts supported
19 by the Transition Fund to support an effective
20 and secure political transition in Syria and how
21 those activities align with the purposes de-
22 scribed in subsection (b).

23 (C) *A description of the efforts undertaken*
24 *and planned to be undertaken by the United*
25 *States Government, supported by the Transition*

1 *Fund, to leverage additional financial assistance*
 2 *from the international donor community, includ-*
 3 *ing the Gulf states, in support of political transi-*
 4 *tion and rebuilding in Syria.*

5 ~~(C)~~(D) A specific accounting of all monies
 6 obligated through the Transition Fund by pro-
 7 gram and project.

8 ~~(D)~~(E) Metrics and benchmarks to make
 9 allocations from the Transition Fund and meas-
 10 ure the performance of the Transition Fund
 11 and programs funded by the Transition Fund.

12 ~~(E)~~(F) A description of efforts undertaken
 13 to coordinate with other donors and ensure that
 14 there is not a duplication of efforts, including
 15 among Federal agencies.

16 (3) FORM.—The report under paragraph (1)
 17 shall be submitted in unclassified form, but may in-
 18 clude a classified annex.

19 **SEC. 302. ADJUSTING SANCTIONS PROVISIONS IN PREPA-**
 20 **RATION FOR A POLITICAL TRANSITION.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
 22 gress that the United States Government should begin a
 23 phased process to remove sanctions on Syria once the Gov-
 24 ernment of Syria has ceased its campaign of violence
 25 against the people of Syria and a transition has begun

1 to a representative and inclusive government that is de-
2 monstrably committed to the principles set forth in sub-
3 paragraphs (A) through (H) of section 4 5(7) and is recog-
4 nized by the United States.

5 (b) AMENDMENTS TO SYRIA ACCOUNTABILITY AND
6 LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003.—
7 Section 5 of the Syria Accountability and Lebanese Sov-
8 ereignty Restoration Act of 2003 (Public Law 108–175;
9 22 U.S.C. 2151 note) is amended—

10 (1) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) by inserting “(A)” after “(1)”; and

13 (ii) by striking “paragraphs (1)
14 through (4) of subsection (d)” and insert-
15 ing “subparagraphs (A) through (D) of
16 paragraph (1) of subsection (d)”;

17 (B) by redesignating paragraphs (2) and

18 (3) as subparagraphs (B) and (C), respectively;

19 and

20 (C) in subparagraph (C), as redesignated
21 by subparagraph (B) of this paragraph, by
22 striking the comma at the end and inserting the
23 following: “; or

24 “(2) makes the determination that the Govern-
25 ment of Syria meets the requirements described in

1 paragraph (2) of such subsection and certifies such
2 determination to Congress in accordance with such
3 subsection,”; and

4 (2) in subsection (d)—

5 (A) in paragraph (1), by inserting “(A)”
6 after “(1)”;

7 (B) by redesignating paragraphs (2), (3),
8 and (4) as subparagraphs (B), (C), and (D), re-
9 spectively; and

10 (C) in subparagraph (D), as redesignated
11 by subparagraph (B), by striking the period at
12 the end and inserting the following: “; or

13 “(2)(A) Bashar al-Assad is no longer the leader
14 of Syria; and

15 “(B) the Government of Syria has ceased its
16 campaign of violence against the people of Syria and
17 begun the transition to a representative and inclu-
18 sive government that is demonstrably committed to
19 the principles of—

20 “(i) protecting human rights, expanding
21 political participation, and providing religious
22 freedom to all Syrians, irrespective of, religion,
23 ethnicity, or gender;

24 “(ii) supporting the rule of law;

1 “(iii) rejecting terrorism and extremist
2 ideologies;

3 “(iv) subordinating the military to civilian
4 authority;

5 “(v) protecting the Syrian population
6 against sectarian violence and reprisals;

7 “(vi) cooperating with international
8 counterterrorism and nonproliferation efforts;

9 “(vii) supporting regional stability and
10 avoiding interference in the affairs of neigh-
11 boring countries;

12 “(viii) establishing a strong justice system
13 and ensuring accountability for conflict-related
14 crimes; and

15 “(ix) recognizing the Golan Heights ‘Sepa-
16 ration of Forces Agreement Between Israel And
17 Syria,’ signed on May 31, 1974, and the related
18 protocol regarding United Nations Disengage-
19 ment Observer Force (UNDOF) functions.”.

20 **SEC. 303. REPORT ON SYRIAN WEAPONS STOCKPILES.**

21 (a) IN GENERAL.—Not later than 30 days after the
22 date of enactment of this Act, the President shall submit
23 to Congress an assessment of the size and security of con-
24 ventional and non-conventional weapons stockpiles in
25 Syria.

1 (b) CONTENT.—The report required under subsection
 2 (a) shall include the following elements:

3 ~~(1) A description of who has or may have ac-~~
 4 ~~cess to the stockpiles.~~

5 ~~(2) A description of the sources and types of~~

6 *(1) A description of who has command and con-*
 7 *trol over and access to conventional and non-conven-*
 8 *tional weapons stockpiles.*

9 *(2) A description of the use and sources and*
 10 *types of weapons flowing from outside Syria to both*
 11 *government and opposition forces.*

12 (3) A detailed plan to prevent the proliferation
 13 of conventional, biological, chemical, and other types
 14 of weapons in Syria.

15 **SEC. 304. PRE-TRANSITION INTERNATIONAL CONSENSUS.**

16 The Secretary of State should establish international
 17 consensus on the transition and post-transition period and
 18 government in Syria by—

19 (1) working with the government of Russia on
 20 the situation in Syria and the transition and post-
 21 transition period and government in Syria, including
 22 ~~how such programs can leverage~~ *leveraging* the
 23 shared interests of the United States and Russia in
 24 avoiding the expansion of extremist ideologies and
 25 terrorist groups in Syria and the region *and working*

1 *to end Russian financial and military support for the*
 2 *Assad regime;*

3 (2) working with the Friends of Syria group to
 4 ensure that extremist and terrorist groups in Syria
 5 are isolated and that the core of the opposition can
 6 be brought to the negotiating table; and

7 (3) building an international consensus to limit
 8 and, to the greatest extent possible, eliminate sup-
 9 port from the Government of Iran for the Syrian re-
 10 gime, including a potential ban on all commercial
 11 flights between Iran and Syria.

12 **SEC. 305. INTERNATIONAL SUPPORT FOR A PEACEFUL**
 13 **TRANSITION.**

14 *It is the sense of Congress that the United States Gov-*
 15 *ernment should work with international financial institu-*
 16 *tions to support the purposes described in section 5.*

17 **TITLE IV—SANCTIONS**

18 **SEC. 401. DEFINITIONS.**

19 In this title:

20 (1) *ACCOUNT; CORRESPONDENT ACCOUNT; PAY-*
 21 *ABLE-THROUGH ACCOUNT.*—*The terms “account”,*
 22 *“correspondent account”, and “payable-through ac-*
 23 *count” have the meanings given those terms in section*
 24 *5318A of title 31, United States Code.*

1 ~~(1)~~(2) APPROPRIATE CONGRESSIONAL COMMIT-
 2 TEES.—The term “appropriate congressional com-
 3 mittees” means—

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

8 (B) the Committee on Foreign Affairs, the
 9 Committee on Ways and Means, and the Com-
 10 mittee on Financial Services of the House of
 11 Representatives.

12 ~~(2)~~(3) DEFENSE ARTICLE; DEFENSE SERV-
 13 ICE.—The terms “defense article” and “defense
 14 service” have the meanings given those terms in sec-
 15 tion 47 of the Arms Export Control Act (22 U.S.C.
 16 2794).

17 (4) *FOREIGN FINANCIAL INSTITUTION.*—*The term*
 18 *“foreign financial institution” has the meaning of*
 19 *that term as determined by the Secretary of the*
 20 *Treasury pursuant to section 104(i) of the Com-*
 21 *prehensive Iran Sanctions, Accountability, and Di-*
 22 *vestment Act of 2010 (22 U.S.C. 8513(i)).*

23 ~~(3)~~(5) PERSON.—The term “person” means an
 24 individual or entity.

1 ~~(4)~~(6) PETROLEUM.—The term “petroleum” in-
2 cludes crude oil and any mixture of hydrocarbons
3 that exists in liquid phase in natural underground
4 reservoirs and remains liquid at atmospheric pres-
5 sure after passing through surface separating facili-
6 ties.

7 ~~(5)~~(7) PETROLEUM PRODUCTS.—The term “pe-
8 troleum products” includes unfinished oils, liquefied
9 petroleum gases, pentanes plus, aviation gasoline,
10 motor gasoline, naptha-type jet fuel, kerosene-type
11 jet fuel, kerosene, distillate fuel oil, residual fuel oil,
12 petrochemical feedstocks, special naphthas, lubri-
13 cants, waxes, petroleum coke, asphalt, road oil, still
14 gas, and miscellaneous products obtained from the
15 processing of crude oil (including lease condensate),
16 natural gas, and other hydrocarbon compounds.

17 ~~(6)~~(8) UNITED STATES PERSON.—The term
18 “United States person” means—

19 (A) a natural person who is a citizen or
20 resident of the United States or a national of
21 the United States (as defined in section 101(a)
22 of the Immigration and Nationality Act (8
23 U.S.C. 1101(a)); and

1 (B) an entity that is organized under the
2 laws of the United States or a jurisdiction with-
3 in the United States.

4 **SEC. 402. IMPOSITION OF SANCTIONS WITH RESPECT TO**
5 **SELLING, TRANSFERRING, OR TRANS-**
6 **PORTING DEFENSE ARTICLES, DEFENSE**
7 **SERVICES, OR MILITARY TRAINING TO THE**
8 **ASSAD REGIME OF SYRIA.**

9 On or after the date that is 30 days after the date
10 of the enactment of this Act, the President may impose
11 sanctions from among the sanctions described in section
12 404 with respect to any person that the President deter-
13 mines has, on or after such date of enactment, knowingly
14 participated in or facilitated a significant transaction re-
15 lated to the sale, transfer, or transportation of defense ar-
16 ticles, defense services, or military training to the Assad
17 regime of Syria or any successor regime in Syria that the
18 President determines is not a legitimate transitional or re-
19 placement government.

20 **SEC. 403. IMPOSITION OF SANCTIONS WITH RESPECT TO**
21 **PERSONS PROVIDING PETROLEUM OR PE-**
22 **TROLEUM PRODUCTS TO THE ASSAD REGIME**
23 **OF SYRIA.**

24 On or after the date that is 30 days after the date
25 of the enactment of this Act, the President shall impose

1 the sanction described in paragraph (5) of section 404 and
 2 2 or more of the other sanctions described in that section
 3 with respect to each person that the President determines
 4 has, on or after such date of enactment, knowingly partici-
 5 pated in or facilitated a significant transaction related to
 6 the sale or transfer of petroleum or petroleum products
 7 to the Assad regime of Syria or any successor regime in
 8 Syria that the President determines is not a legitimate
 9 transitional or replacement government.

10 **SEC. 402. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 11 **THE SALE, TRANSFER, OR TRANSPORTATION**
 12 **OF DEFENSE ARTICLES, DEFENSE SERVICES,**
 13 **OR MILITARY TRAINING TO THE ASSAD RE-**
 14 **GIME OF SYRIA.**

15 (a) *IN GENERAL.*—On or after the date that is 30 days
 16 after the date of the enactment of this Act, the President
 17 shall impose 2 or more of the sanctions described in section
 18 404 with respect to any person (other than a foreign finan-
 19 cial institution) that the President determines has, on or
 20 after such date of enactment, knowingly participated in or
 21 facilitated a significant transaction related to the sale,
 22 transfer, or transportation of defense articles (including
 23 surface-to-air and surface-to-surface missile systems, in-
 24 cluding any S300 system and the Yakhont system), defense
 25 services, or military training to the Assad regime of Syria

1 *or any successor regime in Syria that the President deter-*
2 *mines is not a legitimate transitional or replacement gov-*
3 *ernment.*

4 (b) *SANCTIONS WITH RESPECT TO FOREIGN FINAN-*
5 *CIAL INSTITUTIONS.*—*On or after the date that is 30 days*
6 *after the date of the enactment of this Act, the President*
7 *may prohibit the opening, and prohibit or impose strict*
8 *conditions on the maintaining, in the United States of a*
9 *correspondent account or a payable-through account by a*
10 *foreign financial institution that the President determines*
11 *has knowingly conducted, on or after such date of enact-*
12 *ment, a significant transaction related to the sale, transfer,*
13 *or transportation of defense articles (including surface-to-*
14 *air and surface-to-surface missile systems, including any*
15 *S300 system and the Yakhont system), defense services, or*
16 *military training to—*

17 (1) *the Assad regime of Syria or any successor*
18 *regime in Syria that the President determines is not*
19 *a legitimate transitional or replacement government;*
20 *or*

21 (2) *any person added after April 28, 2011, to the*
22 *list of specially designated nationals and blocked per-*
23 *sons maintained by the Office of Foreign Assets Con-*
24 *trol of the Department of the Treasury in connection*
25 *with the conflict in Syria.*

1 **SEC. 403. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **THE PROVISION OF PETROLEUM OR PETRO-**
3 **LEUM PRODUCTS TO THE ASSAD REGIME OF**
4 **SYRIA.**

5 (a) *IN GENERAL.*—On or after the date that is 30 days
6 after the date of the enactment of this Act, the President
7 shall impose 3 or more of the sanctions described in section
8 404 with respect to each person (other than a foreign finan-
9 cial institution) that the President determines has, on or
10 after such date of enactment, knowingly participated in or
11 facilitated a significant transaction related to the sale or
12 transfer of petroleum or petroleum products to the Assad
13 regime of Syria or any successor regime in Syria that the
14 President determines is not a legitimate transitional or re-
15 placement government.

16 (b) *SANCTIONS WITH RESPECT TO FOREIGN FINAN-*
17 *CIAL INSTITUTIONS.*—On or after the date that is 30 days
18 after the date of the enactment of this Act, the President
19 may prohibit the opening, and prohibit or impose strict
20 conditions on the maintaining, in the United States of a
21 correspondent account or a payable-through account by a
22 foreign financial institution that the President determines
23 has knowingly conducted, on or after such date of enact-
24 ment, a significant transaction related to the sale or trans-
25 fer of petroleum or petroleum products to—

1 (1) *the Assad regime of Syria or any successor*
2 *regime in Syria that the President determines is not*
3 *a legitimate transitional or replacement government;*
4 *or*

5 (2) *any person added after April 28, 2011, to the*
6 *list of specially designated nationals and blocked per-*
7 *sons maintained by the Office of Foreign Assets Con-*
8 *trol of the Department of the Treasury in connection*
9 *with the conflict in Syria.*

10 (c) *HUMANITARIAN EXCEPTION.—The President may*
11 *not impose sanctions under this section with respect to any*
12 *person for conducting or facilitating a transaction nec-*
13 *essary to meet the humanitarian needs of the people of*
14 *Syria.*

15 **SEC. 404. SANCTIONS DESCRIBED.**

16 The sanctions the President may impose with respect
17 to a person under sections 402 and 403 are the following:

18 (1) **EXPORT-IMPORT BANK ASSISTANCE.**—The
19 President may direct the Export-Import Bank of the
20 United States not to give approval to the issuance
21 of any guarantee, insurance, extension of credit, or
22 participation in the extension of credit in connection
23 with the export of any goods or services to the per-
24 son.

1 (2) **PROCUREMENT SANCTION.**—The President
2 may prohibit the United States Government from
3 procuring, or entering into any contract for the pro-
4 curement of, any goods or services from the person.

5 (3) **ARMS EXPORT PROHIBITION.**—The Presi-
6 dent may prohibit United States Government sales
7 to the person of any item on the United States Mu-
8 nitions List under section 38(a)(1) of the Arms Ex-
9 port Control Act (22 U.S.C. 2778(a)(1)) and require
10 termination of sales to the person of any defense ar-
11 ticles, defense services, or design and construction
12 services under that Act (22 U.S.C. 2751 et seq.).

13 (4) **DUAL-USE EXPORT PROHIBITION.**—The
14 President may deny licenses and suspend existing li-
15 censes for the transfer to the person of items the ex-
16 port of which is controlled under the Export Admin-
17 istration Act of 1979 (50 U.S.C. App. 2401 et seq.)
18 (as in effect pursuant to the International Emer-
19 gency Economic Powers Act (50 U.S.C. 1701 et
20 seq.)) or the Export Administration Regulations
21 under subchapter C of chapter VII of title 15, Code
22 of Federal Regulations.

23 (5) **BLOCKING OF ASSETS.**—The President
24 may, pursuant to such regulations as the President
25 may prescribe, block and prohibit all transactions in

1 all property and interests in property of the person
2 if such property and interests in property are in the
3 United States, come within the United States, or are
4 or come within the possession or control of a United
5 States person.

6 (6) VISA INELIGIBILITY.—In the case of a per-
7 son that is an alien, the President may direct the
8 Secretary of State to deny a visa to, and the Sec-
9 retary of Homeland Security to exclude from the
10 United States, the person, subject to regulatory ex-
11 ceptions to permit the United States to comply with
12 the Agreement between the United Nations and the
13 United States of America regarding the Head-
14 quarters of the United Nations and other applicable
15 international obligations.

16 **SEC. 405. WAIVERS.**

17 (a) GENERAL WAIVER AUTHORITY.—The President
18 may waive the application of section 402 or 403 to a per-
19 son or category of persons for a period of 180 days, and
20 may renew the waiver for additional periods of not more
21 than 180 days, if the President determines and reports
22 to the appropriate congressional committees every 180
23 days that the waiver is in the vital national security inter-
24 ests of the United States.

1 (b) ~~WAIVER FOR HUMANITARIAN NEEDS.—The~~
2 ~~President may waive the application of section 403 to a~~
3 ~~person for a period of not more than 180 days, and may~~
4 ~~renew the waiver for additional periods of not more than~~
5 ~~180 days, if the President determines and reports to the~~
6 ~~appropriate congressional committees every 180 days that~~
7 ~~the waiver is to necessary to permit the person to conduct~~
8 ~~or facilitate a transaction that is necessary to meet hu-~~
9 ~~manitarian needs of the people of Syria.~~

10 (c) ~~FORM.—Each report submitted under subsection~~
11 ~~(a) or (b) shall be submitted in unclassified form but may~~
12 ~~include a classified annex.~~

13 **SEC. 405. NATIONAL SECURITY WAIVER.**

14 (a) *IN GENERAL.—The President may waive the ap-*
15 *plication of section 402 or 403 to a person or category of*
16 *persons for a period of not more than 180 days, and may*
17 *renew the waiver for additional periods of not more than*
18 *180 days, if the President determines and reports to the*
19 *appropriate congressional committees every 180 days that*
20 *the waiver is in the vital national security interests of the*
21 *United States.*

22 (b) *FORM.—Each report submitted under subsection*
23 *(a) shall be submitted in unclassified form but may include*
24 *a classified annex.*

1 **SEC. 406. SENSE OF CONGRESS ON SANCTIONS.**

2 It is the sense of Congress that the President should
 3 work closely with allies of the United States to obtain
 4 broad multilateral support for countries to impose sanc-
 5 tions that are equivalent to the sanctions set forth in this
 6 title under the laws of those countries.

7 **TITLE V—INCREASED SUPPORT**
 8 **FOR THE OPPOSITION**

9 **SEC. 501. LETHAL AND INCREASED NON-LETHAL SUPPORT**
 10 **FOR THE VETTED OPPOSITION.**

11 (a) AUTHORIZATION TO PROVIDE LETHAL AND IN-
 12 CREASED NON-LETHAL ASSISTANCE TO VETTED ELE-
 13 MENTS OF THE SYRIAN OPPOSITION.—Subject to sub-
 14 section (b), the President is authorized, notwithstanding
 15 any other provision of law that restricts military, non-mili-
 16 tary, or economic assistance to Syria, to provide defense
 17 articles, defense services, and military training to ~~specifie~~
 18 ~~members of the Syrian Supreme Military Council,~~ par-
 19 ~~ticular units of the Free Syrian~~ *vetted elements of the Syr-*
 20 *ian Supreme Military Council, the Free Syrian Army,* and
 21 other Syrian entities opposed to the government of Bashar
 22 al-Assad, with funds made available for foreign assistance.

23 (b) NOTIFICATION.—Not later than 15 days before
 24 obligating funds, otherwise providing any assistance, or
 25 otherwise making any commitment to provide the assist-

1 ance described in subsection (a), the President shall sub-
2 mit to the appropriate congressional committees—

3 (1) a certification that—

4 (A) assistance to any ~~individual, unit, or~~
5 ~~entities~~ *unit or entity* will be provided con-
6 sistent with section 620M of the Foreign As-
7 sistance Act of 1961 (22 U.S.C. 2378d);

8 (B) ~~the individual to whom assistance is~~
9 ~~being provided or is planned to be provided, or~~
10 ~~leader or leaders of any unit or entity, including~~
11 ~~all senior members of such unit or entity, to~~
12 ~~which assistance is being provided or is planned~~
13 ~~to be provided, are, based on the information~~
14 ~~available to the United States Government—~~
15 *the unit or entity to which assistance is being*
16 *provided or is planned to be provided and the*
17 *senior leaders of such unit or entity, are, based*
18 *on the information available to the United States*
19 *Government—*

20 (i) not an organization or person that
21 has been designated, ~~or is affiliated with~~
22 ~~any~~ *or an associated force of an organiza-*
23 *tion or person that has been designated, as*
24 *a foreign terrorist organization pursuant to*
25 *section 219 of the Immigration and Na-*

1 tionality Act (8 U.S.C. 1189) or a “Spe-
2 cially Designated Global Terrorist” pursu-
3 ant to Executive Order ~~13224~~ (66 Fed.
4 Reg. 49079);

5 (ii) committed to rejecting terrorism
6 and extremist ideologies;

7 (iii) opposed to the carrying out of
8 sectarian violence and revenge killings;
9 *13224 (66 Fed. Reg. 49079), and has been*
10 *screened through all relevant terrorist data-*
11 *bases, including the Terrorist Identities*
12 *Datamart Environment (TIDE);*

13 (ii) committed to rejecting terrorism
14 and extremist ideologies;

15 (iii) opposed to the carrying out of sec-
16 tarian violence, revenge killings, and other
17 abuses of the laws of armed conflict, includ-
18 ing international human rights and hu-
19 manitarian law, and committed to an in-
20 clusive political transition;

21 (iv) committed to civilian rule, includ-
22 ing subordinating the military to civilian
23 authority, and the rule of law for Syria;

1 (v) committed to cooperating with
2 international counterterrorism and non-
3 proliferation efforts; and

4 (vi) supporting regional stability and
5 avoiding interference in the affairs of
6 neighboring countries;

7 ~~(C) any military education and training~~

8 *(C) there is significant international sup-*
9 *port from key European and Middle Eastern*
10 *partners for providing the assistance referenced*
11 *in this title, and United States efforts to provide*
12 *this assistance are being coordinated with these*
13 *partners;*

14 *(D) any military education and training*
15 *should include information and training on ap-*
16 *propriate leadership and command skills, pro-*
17 *tection of critical infrastructure, observance of*
18 *and respect for applicable laws of armed con-*
19 *flict, respect for the rule of law, and the impor-*
20 *tance of civilian control of the military, includ-*
21 *ing the capability to maintain a chain of cus-*
22 *tody of assistance being provided under this sec-*
23 *tion, and, when appropriate, on securing chem-*
24 *ical weapons sites and other important sites;*
25 *and*

1 ~~(D)~~ assistance provided sites;

2 (E) according to chain of custody criteria
3 established and promulgated by the Department
4 of State, the unit or entity to whom assistance
5 is being provided can maintain a reasonable
6 chain of custody of weapons consisting of a rea-
7 sonable capability to document, account, and
8 physically control the transfer, custody, and dis-
9 position of assistance being provided under this
10 section; and

11 (F) assistance provided under this section
12 to any ~~specific individual or entity~~ unit or entity
13 shall immediately be terminated if the United
14 States Government receives information that in-
15 dicates that the ~~individual or entity~~ unit or en-
16 tity is not in compliance with the terms laid out
17 in subparagraph (B); and

18 (2) a written policy justification, budget, execu-
19 tion plan and timeline, and anticipated completion
20 date for the planned activity.

21 (c) RESTRICTION ON ANTI-AIRCRAFT DEFENSIVE
22 SYSTEMS.—

23 (1) IN GENERAL.—Except as provided under
24 paragraph (2), no anti-aircraft defensive systems

1 may be transferred as part of the assistance author-
2 ized under this section.

3 (2) WAIVER.—The President may waive the re-
4 striction under paragraph (1) if—

5 (A) it is in the vital national security inter-
6 est to do so;

7 (B) the President notifies Congress not
8 later than 15 days before exercising such waiv-
9 er;

10 (C) not later than 15 days before exer-
11 cising such waiver, the President transmits to
12 the appropriate congressional committees a re-
13 port described in subsection ~~(e)~~ (f), together
14 with the certification required under subsection
15 (b)(1) specifically with respect to anti-aircraft
16 defensive systems;

17 (D) the President certifies that—

18 (i) the systems provided have been
19 equipped with appropriate tracking, dis-
20 abling, or anti-tamper devices; or

21 (ii) effective end use monitoring, in-
22 cluding appropriate disposition of systems,
23 is in place; and

1 ~~(E) the President certifies that the United~~
2 ~~States has consulted with regional allies regard-~~
3 ~~ing the systems provided; place;~~

4 *(E) the President certifies that the United*
5 *States has consulted with regional allies regard-*
6 *ing the systems provided; and*

7 *(F) the President submits a strategy to im-*
8 *plement an accelerated global program to secure*
9 *or eliminate stocks of anti-aircraft defense sys-*
10 *tems and related equipment and facilities that*
11 *pose a proliferation threat immediately after the*
12 *cessation of violence.*

13 (d) CODE OF CONDUCT.—The United States Govern-
14 ment shall encourage any entity receiving assistance pur-
15 suant to subsection (a) to commit to a code of conduct
16 that ~~includes respect for applicable laws of armed conflict,~~
17 ~~respect for the rule of law, and a commitment to refrain~~
18 ~~from sectarian violence and revenge killings.~~

19 ~~(e) REPORTING REQUIREMENT.— In the event that~~
20 ~~includes—~~

21 ~~(1) respect for applicable laws of armed conflict;~~

22 ~~(2) respect for the rule of law;~~

23 ~~(3) a commitment to refrain from sectarian vio-~~
24 ~~lence and revenge killings; and~~

1 (4) a commitment to cooperate with transitional
 2 authorities in the establishment of special weapons
 3 storage sites and efforts to shift security functions to
 4 the transitional government.

5 (e) *NONPROLIFERATION OF WEAPONS OF MASS DE-*
 6 *STRUCTION.*—*The United States Government shall encour-*
 7 *age any entity receiving assistance pursuant to subsection*
 8 *(a) to commit to a Syria that is free of weapons of mass*
 9 *destruction, including any chemical, biological, or nuclear*
 10 *WMD-related programs.*

11 (f) *REPORTING REQUIREMENT.*—*In the event that the*
 12 President exercises the authority in subsection (a), the
 13 President shall submit to the appropriate congressional
 14 committees every 90 days thereafter until such time as
 15 the authority is no longer being exercised, a detailed re-
 16 port on—

17 (1) the education, training or assistance pro-
 18 vided;

19 (2) a rationale for why the assistance is being
 20 provided;

21 ~~(2)~~(3) the vetting conducted to satisfy the cer-
 22 tification requirement in subsection (b)(1);

23 ~~(3)~~(4) steps taken to encourage the development
 24 of a code of conduct outlined in subsection ~~(e)~~ (d);

1 ~~(4)~~(5) an assessment of the current military ca-
2 pacity of opposition forces receiving assistance;

3 ~~(5)~~(6) an assessment of the ability of opposition
4 forces inside and outside of Syrian to establish mili-
5 tary activities impacting Syria, together with a prac-
6 ticable timetable for accomplishing these objectives;

7 ~~(6)~~(7) an assessment of the ability of opposition
8 groups to establish effective military control over
9 ~~Syria~~; ~~and Syria~~;

10 ~~(7)~~(8) a description of the financial and mate-
11 riel resources currently available to opposition
12 ~~forces~~; *forces*;

13 (9) *the criteria for chain of custody certification*
14 *and the adherence by the Syrian opposition to chain*
15 *of custody requirements; and*

16 (10) *a strategy for securing the lethal assistance*
17 *being provided in the aftermath of the conflict.*

18 ~~(f)~~(g) SUNSET PROVISION.—Unless specifically re-
19 newed, the authority described in subsection (a) shall ter-
20 minate on September 30, 2015.

21 **SEC. 502. PROHIBITION ON AID TO FREE SYRIAN ARMY IN**

22 **EVENT OF CHEMICAL WEAPONS USE.**

23 *In the event that the United States Government re-*
24 *ceives substantial evidence that any units or entities pro-*
25 *vided assistance under this title have engaged in the use*

1 *of chemical weapons, the authority under this Act to pro-*
2 *vide assistance to those units or entities shall immediately*
3 *terminate.*

4 **SEC. 503. PROHIBITION ON AID TO FREE SYRIAN ARMY IN**
5 **EVENT OF SALE OR ILLEGAL TRANSFER OF**
6 **UNITED STATES DEFENSE ARTICLES OR**
7 **SERVICES.**

8 *In the event that the United States Government re-*
9 *ceives substantial evidence that any units or entities pro-*
10 *vided assistance under this title are selling or illegally*
11 *transferring defense articles or defense services received from*
12 *the United States Government, the authority under this Act*
13 *to provide assistance to those units or entities shall imme-*
14 *diately terminate.*

Calendar No. 147

113TH CONGRESS
1ST Session

S. 960

[Report No. 113-79]

A BILL

To foster stability in Syria, and for other purposes.

JULY 24, 2013

Reported with amendments