SYRIA FREEDOM SUPPORT ACT; HOLOCAUST INSURANCE ACCOUNTABILITY ACT OF 2011; EXPORT PROMOTION REFORM ACT; COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012; EXPORT PROMOTION REFORM ACT; AND EXPRESSING THE SENSE OF CONGRESS THAT TAIWAN SHOULD BE ACCORDED OBSERVER STATUS IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

ON

H.R. 2106, H.R. 890, H.R. 1410, H.R. 3783, H.R. 4041 and S. Con. Res. 17

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WEDNESDAY, MARCH 7, 2012

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:09 a.m. in room 2172, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order. Pursuant to notice, we meet today to mark up several bills, but before we proceed to business, I would like to take a few minutes in remembrance of one of our dear colleagues. As all of us know, Congressman Don Payne passed away yesterday back in his home State of New Jersey. I extend my deepest condolences to the Payne family and the New Jersey community and the New Jersey congressional delegation.

Don, as all of us know, was a dedicated and effective advocate for global health and human rights during his 12 terms in Congress. He was chairman and ranking member of the Subcommittee on Africa, Global Health, and Human Rights. Don Payne worked tirelessly to fight the spread of deadly diseases such as HIV/AIDS, malaria, and tuberculosis. He was also an outspoken advocate against horrific human rights abuses in Africa and elsewhere.

Throughout his 23 years in Congress, Don was an unfailingly kind and gracious colleague. My thoughts and prayers are with the Payne family during this difficult time. Congressman Payne will be greatly missed by our committee. I would like to extend the opportunity to all of our members or any member who would like to say some words about Mr. Payne, and I would like to recognize first the ranking member and my good friend from California, Mr. Berman, for any statements he would like to make.

Mr. BERMAN. Well, thank you very much, Madam Chairman, for bringing up our loss at the beginning of the hearing and for a chance to pause for a moment and reflect on our friend and our colleague, and I think for many of us, I know for me, our teacher, Don Payne.

Don distinguished himself as a leader on many important issues in his district, his State, this country, and throughout the world,

and of course, those of us on the Foreign Affairs Committee knew Don. He really was one of the Nation's, not the Congress', the Nation's foremost experts on Africa. I personally know that I am wiser, more knowledgeable, and more informed on Africa issues because of Don. He was our professor, our mentor, our in-house librarian, our encyclopedia. We have all lost a champion for the underserved, a voice for the downtrodden, a voice for peoples and causes that are too often neglected.

It was one of those situations, we always had a good and friendly relationship, but during the 3 years that I was fortunate enough to chair this committee, we became particularly close. He provided invaluable help in both helping to write and then to pass and to follow through on the implementation of our global HIV/AIDS, malaria, and tuberculosis reauthorization legislation which carried many reforms in an effort to improve, not just to deal with those horrible and deadly diseases, but to help to see meaningful reforms in the health care systems in so many countries around the world, and most particularly in Africa.

His suggestion, along with our own staff's, led us to have the first chairman-led codel by the House Foreign Affairs Committee in the committee's history to sub-Saharan Africa, a trip that had a tremendous impact on me and I think on all the members who went. Congressman Royce was the ranking member on that trip where we really got out and saw and met and learned more than you can learn from any number of hearings. He was very special.

Just one other story about Don. Don and I sometimes, we spent a lot of time together, we talked a lot about different issues. He was a—he believed in the U.S.-Israel relationship, but sometimes we had differences about, you know, the best approach on all these issues. Notwithstanding any of that, those differences, when it came time at the Security Council for the countries on the Security Council to vote on the issue of real true sanctions on Iran because of its nuclear weapons program and all the other reasons, Don got into that fight because he knew the Presidents personally and well of all the African countries that were on the Security Council at that time, and he personally called the leaders of those countries to lobby them to support the U.N.-sponsored—U.S.-sponsored resolution at the Security Council. Having an asset like that on our committee was a tremendous value. I am going to miss him a lot. I think all of us will. Janice and my family mourn alongside his children, his grandchildren, his brothers and his extended family, and he was a bright light that has been extinguished, but the issues he lived for will be his legacy, and thank you for giving me a chance to speak about our loss.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Berman. I would like to recognize a member of the New Jersey delegation who is the chairman of the Africa subcommittee and has worked with Don for so many years on these issues, Congressman Smith.

Mr. SMITH. Thank you very much, Madam Chair, and Howard Berman, Ranking Member. I want to associate myself with the remarks both of you have made, very eloquent and very fitting for the loss of a great member of this committee, a good friend of Sub-Saharan Africa in particular, and a man who was truly expert, and as you said, Howard, knew so many Presidents and Prime Min-

isters and parliamentarians in Africa personally, not just in passing, not just a handshake, but knew them and knew them very well.

You know, I think many of you know Don Payne got involved in politics at the ripe old age of 19. Although he was a coach, a football and a track coach, he also was a teacher, a high school teacher, but then he became a member of the council, the City Council in Newark, New Jersey, went on to what we call the Board of Chosen Freeholders, which is the county commissioners, and then got elected to Congress in 1988.

He was a very hard working person, worked tenaciously for peace and reconciliation, especially on Sudan. All of those years when the killing fields occurred in southern Sudan with in excess of 2 million people, 4 million homeless, he was always raising his voice on behalf of the victims of the absolute feckless response of the international community to end that, especially in its early years. Then that conflict moved to Darfur, and again he was raising his voice as a champion of the Darfurians who were being exterminated through genocide.

I would just end by saying, unlike the full committee where we need time limits, I don't use time limits when I have questions on behalf of the members, and I could tell you there were times when Don would go for a half hour and his wealth and breadth of knowledge when he would be talking to Johnnie Carson, the assistant secretary, asking questions was truly remarkable, and so, you know, we are going to deeply miss him. He is an expert who left his mark, and he was also, you know, on his other committee a great staunch believer in affordable education and access to education as being a very important part of America for all people regardless of race, ethnicity, or sex. But he also authored resolutions like Literacy Day, July 2nd, believing that if you want to bust the ceiling that holds back so many people, you have got to provide for more literacy and expand the ability to read and write to all Americans. So he really had a comprehensive and a profound impact on America, on his district, on our State, and we deeply, deeply miss him already. Thank you.

Chairman ROS-LEHTINEN. Thank you very much. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Madam Chair. I do want to thank you for calling this special occasion to recognize one of our colleagues who has just passed away yesterday to say a few words. It is very difficult for me to be under the shadow of this great man for whom I have the utmost respect, and over the years that he and I have worked together, I can say that one of the beauties of American democracy is its diversity, and I remember some 23 years ago when we both became members of this committee, we had a little diversity caucus here because I, as a very proud American representing some 18 million Asian Pacific Americans in our country, I felt that there wasn't a voice to bring out the issues affecting our foreign policies toward the Asia Pacific region. I will be upfront with you, Madam Chair, 23 years ago when Don Payne and I first became members of this committee, to my excitement I wanted to see how great this was going to be. Hardly anyone wanted to be on the Asia Pacific and African subcommittees. And I then realized,

I said, I shouldn't be surprised because the mentality in Washington 20 years ago was all toward Europe and the Middle East, the entire focus. When we talked about Asia Pacific issues, we weren't even on the radar screen, the importance of that region that affects our economic, political, and strategic interests, just as it is important that we should be talking about the continent of Africa, and over the years my colleague Don Payne has become the expert on dealing with African issues and how important that we should do this.

Don Payne always reminded me of the statement that Martin Luther King Jr. once said years ago, In the end we will not remember the words of our enemies, but the silence of our friends. Don Payne always said, Eni, you have got to speak out, you have got to let it be known the issues that really affects the interests of the American people and how important it is the activities and the policies and all the things that are being discussed and debated in this committee does have an impact, and what a beautiful thing it is, Madam Chair, some 310 million of our fellow Americans live in this great Nation, the most diverse country, in my humble opinion, where people from all different ethnicities and nationalities are represented here to give a sense of expression how important as fellow citizens and as fellow Americans and that the principles that we try to strive to live by, the Constitution and all that has come about for the past 230-some years since the making of this country and this great Nation of why it is so great. Yes, Don Payne was a great advocate looking out for the needs of the poor and the destitute, people who don't have a voice in the affairs of their government, whether it be in foreign countries, even here in our own country.

So I say, we have a saying in my culture, may this brother have a good voyage, and I know he has a good voyage going on to meet his Savior, and Madam Chair, again, thank you, and I want to wish Mr. Payne's family all the best and the deepest sympathies and condolences on this sad occasion, yet I am happy for him. He has suffered enough. I am just happy to see that he is in the presence of our Father in heaven, and that is all that matters. I yield back.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Faleomavaega. Mr. Royce, the chairman of our Terrorism, Nonproliferation, and Trade Subcommittee.

Mr. ROYCE. Thank you, Madam Chair. I worked with Don Payne on the Africa Subcommittee for many years on many issues. I think one of the most unique things about traveling with Don Payne was no matter how remote the village, there was one individual, there was one American that the elders all knew or that the head of state in that remote country—inaccessible regions—there was one man they knew because Don Payne had already been there before. And likewise we had the opportunity frequently to go up to the United Nations to argue the American position, the U.S. position on issues. As Mr. Berman has indicated, the great asset in those engagements was always Don Payne because he had those personal relationships and he would argue for the U.S. position and for human rights and really bring a certain moral argument because he had been on the ground; whether it was Rwanda or Sudan. Don

had been there. I remember a trip where Mr. Berman and I were in Africa, one of Mr. Berman's trips, and sure enough, Don was over, in all places, was over in Somalia lecturing and giving talks wherever he could against al-Shabaab's human rights abuses. As he was leaving the country, he had one last press conference to attack al-Shabaab, they were shooting at his plane, they were mortaring his press conference on his way out of town. But Don had the last say in terms of the lack of human rights, and I think that for those of us who have watched Don in action, I think it is his courage also that stands out, not just the physical courage that I spoke about in terms of him going into areas where there was perhaps great resistance to the United States. I remember him on many occasions in Congo or in Angola trying to forge a peace, but political courage as well. I remember the African Growth and Opportunity Act when we started out, labor was opposed to that, and it took political courage for Don to help lead that effort. He was tireless, he had great knowledge, he had a really big heart; he will be deeply missed by his constituents and by us, and especially by those working to improve African lives. Thank you.

Chairman ROS-LEHTINEN. Thank you very much. Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman. When I think of Don Payne and watch him in this committee, I think of three words—passion, witness, and honor.

Nobody brought more passion to issues affecting the African continent than Don Payne, and that sense of commitment I think struck everybody who watched him, heard him, and it is something I think all of us can take away from his life and his experience here on this committee. He had a passion for what he did and what he believed in, and it showed.

Witness. Don didn't take the Africa Subcommittee issues as an academic exercise. He rolled up his sleeves and he got in harm's way. He gave witness where there was human suffering in a continent that has all too much of it. He was there in Somalia, he was there in Darfur, he was there in Rwanda, he was willing to put himself in harm's way, as Mr. Royce just said, to give witness on behalf of the United States of America in terms of our solidarity with the suffering people of Africa.

And honor. Don Payne brought honor to this institution, to this committee. I have been professionally associated with this committee in one fashion or another over the span of 33 years, and we can single out members in that time period who distinguished themselves as experts in a particular area. Don is one of those handful of distinguished members who knew everything he could about Africa, about its leadership, about its challenges, and about its opportunities, and set about to bring honor to this institution by representing us in Africa and on African issues.

He will be sorely missed as a colleague and as a friend, and my deep condolences go out to his family and to his staff, who shared his passion and today share with his witness and his honor. Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, sir. Mr. Rohrabacher.

Mr. ROHRABACHER. Some of the points Mr. Connolly made were just right on target, and sometimes we think of passion as being

someone who raises their voice and pounds on the table, and Don was certainly a person of passion, but you never saw him pound on the table. He was so thoughtful, to me he was someone who really reflected a thoughtful perseverance in his personality toward the things that he believed in, and he had sincere beliefs. At times when we are up here meeting someone on the other side of the aisle who has strong beliefs sometimes is a little bit disconcerting because we don't know them, and until we get to know them, we don't realize what value they have, and sometimes we are a little afraid of someone.

Don had very strong beliefs in human rights and a concern for his fellow human beings, and he came toward the political spectrum from the opposite side of the spectrum that I come from, and I did have some trepidations when I first got on this committee, but I will tell you, I learned to respect that man, and I will miss him terribly as we move on. He added a sense of honor and true caring to this committee that I think all of us felt. I know that sometimes people think that if you have got a philosophy as Don had that it is going to hinder your ability to see the truth, as some people claim about me sometimes, and let me just note that sometimes when you have a philosophy, it helps you see through things, through the lines that we are given by our handlers and lobbyists, et cetera.

Don saw through so much and to the truth and to the suffering of people who he cared about in Africa, and he was able to enlist us in that concern, so I will miss him. I thought very highly of him, as we all did, and I just think that we have lost a real asset to this committee, and I hope he is watching up there right now, and maybe we can all pledge to in his memory make sure that we keep that same kind of spirit of perseverance and positive spirit. He worked with me on Ethiopia, and I promise you right now, Don, I am not giving up, we are going to win in Ethiopia eventually. Thank you.

Chairman ROS-LEHTINEN. Thank you. Ms. Wilson of Florida is recognized.

Ms. WILSON OF FLORIDA. Thank you so much, Madam Chair. I am saddened by the passing of my friend and colleague, Congressman Donald Payne. Throughout his adult life, he served the people of New Jersey as an educator, a community leader, and in Congress. As a long-serving member of the House Committee on Foreign Affairs, he was a leader in supporting democracy in Africa and throughout the world, and I worked with him very closely on issues impacting Haiti and the rest of the Caribbean. His name is a household word in Haiti. In fact, at the time of his death, we were working on the process of starting a bipartisan Haiti caucus.

He was also committed to domestic issues, and he was a leading advocate on the Education and Workforce Committee for reducing college costs for students, a trailblazer. Donald was the first Black president of the National Council of YMCAs and the first Black Congressman from New Jersey. As a colleague of his in the Congressional Black Caucus and on the House Committee on Foreign Affairs, I got to see firsthand his decency, empathy, and leadership. My thoughts and prayers go out to Donald's family. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you very much, Ms. Wilson. Mr. Chabot of Ohio.

Mr. CHABOT. Thank you very much, Madam Chair. You know, I was thinking that—well, first of all, I would like to say that many other of my colleagues have already spoken far more eloquently than I could relative to Don Payne. He was one of the people on this committee that we are clearly going to miss. I actually had a similar path getting here as Don. We both served on city council, and then at the county level, and then we both ran for Congress in 1988 the first time. He won, I didn't. I got here 6 years later, and by that time, the chairwoman of this committee here today was the chairwoman of the Africa Subcommittee, and Don Payne was ranking member and so got to see him in action and really respected.

If you saw them in action, it really showed the true bipartisanship the way Congress is actually supposed to work, on a whole range of issues, whether it was, you know, blood diamonds, whether it was the Congo, whether it was Darfur, a whole range of things, and Don is really a person, as I said, who is going to be missed. He cared deeply.

I was actually going to say something exactly that Dana Rohrabacher had said about him not being a table thumper was what I was going to say, and then you said he wasn't a person to pound on tables. He was a soft-spoken gentle man in many ways, and I say that as a compliment because, you know, sometimes we do scream and yell and get a little over the top. He didn't. But he really did pack a punch. And he is going to be missed, and God bless him. Thank you.

Chairman ROS-LEHTINEN. Thank you so much. And now Ms. Bass is recognized for her statement.

Ms. BASS. Thank you, Madam Chair. I certainly want to join my colleagues in offering my condolences to Mr. Payne's family and also to the staff. Losing Mr. Payne, to me, I mean, it is definitely and obviously from what my colleagues have had to say a loss to our Nation, but it is also a loss to the world and to the continent of Africa.

I just wanted to say that—share a little story. Before I came here, after I won my election in Los Angeles, I represent a very diverse district, and there are a lot of Africans from a variety of countries there, and so wanting to get to know my district and get prepared to come to Washington, I organized a meeting, and about 40 representatives from various African nations came, academics and business people, et cetera, and they began to tell me about Mr. Payne.

Now they had never met him, but he was legendary, all the way in Los Angeles, folks who were recent immigrants telling me that when I get to Washington I had to meet, I had to work with Mr. Payne. I asked to be on the Foreign Affairs Committee and wanted to be on the Subcommittee on Africa, and immediately they gave me the task of bringing Mr. Payne to Los Angeles, and so I worked and I think I almost harassed his staff and him for him to come to Los Angeles, and never did I realize that he wasn't well, and I just have to say that I really regret not having the opportunity to travel to Africa with him.

When he would open up the subcommittee with his comments, in his very humble and gentle way, he would always reference, as many of my colleagues have said, well, before the hearing I spoke with President so-and-so. I mean, he seemed to know every President, and I remember being startled when one day in his very calm voice, he said when we were leaving, I think it was Somalia and my plane was fired on, and I remember looking back at him and saying, "What?" You know, he is just really going to be a loss to all of us. I had looked forward to being the sponge that sat next to him and sucking up all of his knowledge, and so he will be deeply missed by me personally, and I know he will be missed by everyone on the committee and in our Nation. Thank you.

Chairman ROS-LEHTINEN. Thank you, Ms. Bass. Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Madam Chair, for giving us the opportunity to honor our colleague, Don Payne. I, too, want to extend my condolences to Don's family, his wonderful staff, his constituents, and his congressional colleagues from New Jersey. He was a very kind man and a citizen of the world. He was always willing to share his wisdom and his insights, and that was particularly helpful to me as a new Member of Congress. I was honored to get to know Don and quickly came to respect and admire him, particularly his commitment to the continent of Africa and global health.

Our committee, this Congress, and the world will miss his passion, his voice, and his advocacy, and I hope we will honor his legacy in Congress and in this committee by continuing the work that he was so dedicated to. Thank you, Madam Chair. I yield back.

Chairman ROS-LEHTINEN. Thank you. Mr. Carnahan.

Mr. CARNAHAN. Thank you, Madam Chair, and it has really been inspiring and moving to listen to our colleagues here today honor Don Payne. I want to add my condolences to his family and his staff and to his constituents. I loved to listen to him share his passion for his work. It reminded me of when I was a very young man listening to my grandfather tell stories about serving on this committee and on the Africa Subcommittee. So for me during my service here to be able to serve on the Africa Subcommittee and to have that same kind of fascination and inspiration listening to our colleague Don Payne share his work I think has been very meaningful for me. He cared passionately about his work. He led in ways and on issues that a lot of people neglected, and he delivered.

I hope that all of us will use Don's inspiration and rededicate ourselves to carry on that work and to be lights to shine on these areas that he was so dedicated to.

With that, Madam Chair, I yield back.

Chairman ROS-LEHTINEN. Thank you, sir. Mr. Meeks.

Mr. MEEKS. Thank you, Madam Chairman. I am devastated, a part of me, knowing that my friend Donald Payne will not be not only sitting right down a few seats from me, but able to get his advice. I have listened and I thank you, Madam Chair, for this opportunity for all our colleagues to say about this American hero, Donald Payne, to talk about him. He really was American history, he was a history teacher, and I trust that American history is going to record his life as a great American patriot.

See, sometimes in life, people go through it wondering what their purpose is. What is my purpose? Why am I here? What is my mission? We are blessed because there is a side of me saying that I am blessed to have been with a man who knew his purpose and what his mission was. It wasn't easy for Donald to get here. He ran and he lost. He ran again and he lost. He ran again and he lost. But he knew what his mission and what his purpose was. He knew that he would also, once he won, become a role model, a role model for many a young boy who were growing up in Newark, New Jersey, who had no other role models, who would look up to Donald Payne, many of them he had taught in school. He knew his mission was to make their lives better and to lead by his actions. My colleagues were absolutely right. Soft spoken, but you never took the soft-spoken words as a mistake for what his determination is and was, and that determination you saw throughout his life.

When you hear of our colleagues talking about how, whether his plane was being shot at, whether he would go into the bush in Africa where nobody else dared go, he knew what he was trying to accomplish. He knew that that was his mission. Or when he was walking the streets of Newark, his beloved Newark, he would always talk about the people of Newark, no matter where he was in the world, wanting to make their lives better. And I have got to say in closing, Gregory Meeks would not be sitting on this back row in this Foreign Affairs Committee if it wasn't for Donald Payne.

When Donald Payne came to Congress, it wasn't popular to be on the Foreign Affairs Committee. In fact, for many Members of Congress at that time, it was the last committee that you wanted to be on. People, you know, said, oh, they had to come on this committee, you know, because it was the only one that was available. I learned of Donald in New York City, was following his career, knowing that I wanted to become a Member of Congress and get on the Foreign Affairs Committee, utilizing and talking to him on how to do it once I got here. And then asking his advice, utilizing his experience, picking his brain, learning his legislative manner on how to get things done, how to do and create relationships with individuals, wanting and following him on the NED board.

What manner of man, Donald Payne. We are going to miss him, but I think all of us who have had the opportunity to be around him, whether we be Democrat or Republican, whether we be Black, White, brown, red or yellow, whether we be in the United States of America or some other part of the world, we are all lucky that we were touched by the spirit, by the man that we know as Donald Payne. Donald, we are going to miss you, but I have got to tell you, I can see you now talking to the Lord and him saying to you, job well done, my faithful son.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Meeks. Mr. Keating.

Mr. KEATING. Thank you, Madam Chair. As someone that is new to Congress, there is one aspect I would like to comment on, and that is the idea, I think it came from the part of him that was an educator because he was a person that held himself out to me and to all new Members as a mentor. He was open and welcoming, here in committee and on the floor when I had occasion to seek him out. And that part of him I think rests in the teaching aspect as well.

I am frankly jealous, Madam Chair, that so many of the members here had experiences with him, were able to travel with him, share issues with him that I did not have, but I will say this: I am convinced that even though he is gone from us now, I will continue to learn because of Donald Payne, I will continue to have Members and staff and other people talk to me and say, this is an issue that is important because Donald knew it was important, and that will continue on.

In an era of lack of civility in public life that the American public is crying out to see, he was a shining example of how to conduct yourself as a public official and demonstrate that civility. My sympathy goes to his family and his staff. Thank you, Madam Chairman. I yield back.

Chairman ROS-LEHTINEN. Thank you. So pleased to yield to Mr. Fortenberry who worked well with Mr. Payne. Mr. Fortenberry is the vice chair of the Africa, Global Health, and Human Rights Subcommittee.

Mr. FORTENBERRY. Thank you, Madam Chair, for taking a few minutes of time to allow us to honor and celebrate the life of our good friend and deceased colleague, Mr. Payne. You know, a couple months ago, maybe a little less, I looked over at Don on a committee hearing, and it just struck me that he didn't look well. I didn't realize he was sick. I don't think many of us did, and that is probably a testament to his character that he continued his work right to the very end without fanfare because he was so dedicated to trying to solve injustices, particularly around the world, and given his deep, deep commitment to the work on Foreign Affairs, as Mr. Carnahan put very well, he tried to address the needs of neglected people.

And in fact, I was thinking about a story that I could perhaps share with you all, we have done some work to try to prevent the use of child soldiers internationally, and there is a country in Africa that is a persistent violator and there is an ongoing problem with the abuse of children in that country. We were going to strengthen the United States laws in order to try to prevent this most pernicious form of child abuse, but Don Payne came to me quietly, and he said there is a bit of a dilemma here. He personally knew the President of one of the countries in which we were targeting, he had been working quietly to try to develop that relationship in order to try to diminish the possibility of further abuse of children in this regard. He was worried that if we were too aggressive, we might lose the relationship and potentially undermine the very end which we were seeking.

I respected his viewpoint, and we were able to creatively craft a solution to that dilemma while continuing to press on in this important work of preventing the abuse of children as child soldiers. He invited me several times to go to Africa with him. He was very dedicated to that part of the world, and we also co-chaired the Malaria Caucus together.

Mr. Meeks, you know the reason he did that, it wasn't to get votes back in New Jersey, it wasn't because there was some constituent necessarily who would help him because of that work. It was simply because, as you said, he was dedicated to this cause of trying to stop a serious injustice, trying to stop a preventable dis-

ease, motivated by one reality, that this kills children, and we are in a position to help. So I think that was a mark of his life.

I spent time with him in office. Even though we didn't know each other deeply and well, I respected his work, and I today join with my colleagues in celebrating his life. Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, sir. Thank you very much. Mr. Sires, a member of the New Jersey delegation with Don Payne.

Mr. SIRES. Thank you, Madam Chair, for allowing us a few minutes to talk about Don Payne, my friend. I shared the northeast part of New Jersey with Don, and we were constantly talking. You know, on Sunday I went to the hospital to see him, and it broke my heart that my friend was there, and his family was all there. You know, the Payne family is a very well-known family in New Jersey for their caring. I have served in the Assembly with his brother, with his cousin, and they always cared about people, and that is how Don was. But he had an inner determination.

I remember when he first ran. He ran against a legend, Peter Rodino, three times in Newark, New Jersey, against the machine, and his determination led him to this House. He finally won, and he had big shoes to fill because Peter Rodino was a legend, and let me tell you, he more than filled those shoes with his caring, his human rights, the work that he did, and always on a very even keel. Sometimes I wanted to shake him and say, Don, come on, you know. But, boy, he was just so even. I guess it must be my Hispanic background, we just didn't match together, but he was—I mean, he is one of those individuals that you meet and you become a better person for meeting and dealing with him, and New Jersey and this country has lost a great individual. I am going to miss him, this House is going to miss him, and I thank their family for all that they do. It is in the genes of the Payne family to be good human beings. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you, Mr. Sires. Ms. Schwartz is recognized.

Ms. SCHWARTZ. Thank you, Madam Chair. I just wanted to add my words. You have heard many of the same things from us about Donald Payne, and I do feel honored to have served with him and to have known him, and I did have the opportunity to travel with him to Africa on the House Democracy Assistance Partnership, and it just showed everything we have just heard about this morning. He was personally just enormously gracious and warm and collegial. I mean, certainly for newcomers and for those who had shared his expertise.

There was just no one like Donald Payne when you went to Africa. I think we all have our stories where he went off just before dinner one evening, and it was to visit with the President of the country who was feeling ill and had cancelled our meeting but somehow made time for Donald Payne, and that is what you always knew would happen or we would go into a meeting and we would have all our briefs and then Don would sort of lean over and say, well, I kind of knew him back when and things weren't so cool then. He would know all the good, the bad, and the ugly, and even through all of that he maintained just an enormous sense of possibility and opportunity, particularly in the work with Africa, and his

commitment and passion always came through, but he was—maybe fiery would never be a word we would call Donald Payne because he was always so calm and so clear and didn't rile things up.

It was kind of interesting, if he did so, he did it in sort of a determined and quiet way. So for his knowledge, for his service, for his generosity of spirit and for his commitment to his constituents and to public service, I think he sheds a really wonderfully positive light on the kind of work you can do in Congress when you are committed not only to your constituents but to the world community, and Donald did that. So he will be missed.

My condolences and thoughts and prayers to his family, and for the opportunity to have served with Donald Payne, I think it has enriched me and my knowledge and my experience here, and he will certainly be deeply missed.

Chairman ROS-LEHTINEN. Thank you so much. And another person who worked for so many years with Mr. Payne, Mr. Engel, is recognized.

Mr. ENGEL. Thank you, Madam Chair. Don Payne and I were classmates. We both came together to Congress together back in 1988, November 1988 along with Eni Faleomavaega and Dana Rohrabacher. Our class is getting smaller and smaller, unfortunately. The first thing I remember about Donald Payne, in fact, one of our classmates called me yesterday, our former colleague, John Tanner of Tennessee, and he said, you know, we lost Don Payne, I feel so badly. We were recalling that first year in 1988 in December when all the freshmen went to freshmen orientation in Massachusetts in Boston at the Kennedy Center at Harvard. Afterwards we were trying to get tickets and we did get tickets to the Celtics game, and John Tanner arranged that, and he went up there with his Tennessee twang and told the people at the will call that we were picking up the tickets, and they couldn't understand him, and Donald Payne and I had to be interpreters, and he was recalling that, and I was recalling that as well.

He was a very good Member of Congress, particularly of the Foreign Affairs Committee. He took his committee, our committee very seriously, did lots and lots and lots of traveling, probably more than almost any other Member of Congress, mostly in Africa, but all around the world. I traveled with him a number of times to Africa and to other places in the world, and he felt very strongly about the work that we in Congress could do to help make people's lives better all around the world.

When I chaired the Western Hemisphere Subcommittee of our committee, Don was a very valued member of that subcommittee, felt very strongly about South America, Central America, and the problems we were having there, and was very diligent, came to hearings and came to meetings and really expressed his opinion and really added just so much.

So, Madam Chair, I want to add my voice to everybody in this room, all the nice things they have said. They are all true. We all miss him. Our class, the class of 1988, getting smaller and smaller, but I have to tell you, he was a large and important part of that class, and as our colleagues have said, he may be gone, but he will never be forgotten, and we are all better for having known him. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Amen. At this point the committee will observe a moment of silence in honor of the life and public service of Congressman Don Payne.

[Moment of silence.]

Chairman ROS-LEHTINEN. Godspeed, amigo. Thank you so much. Thank you to all of our members.

And now we will proceed to today's business. Without objection, all members may have 5 days to insert written remarks into the record on any of today's measures or amendments. Pursuant to the procedure, we e-mailed your offices about yesterday, we will consider the Syria bill first, followed by an en bloc consideration of the remaining measures. I now call up the bill H.R. 2106, the Syria Freedom Support Act.

[H.R. 2106 follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 2106

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

JUNE 3, 2011

Ms. ROS-LEHTINEN (for herself and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, Financial Services, and Oversight and Government Reform, 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

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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 Freedom Support Act".

1 (b) TABLE OF CONTENTS.—The table of contents of
2 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. Findings.
Sec. 102. Declarations of policy.
Sec. 103. Codification of existing sanctions and continuation of restrictions against the Government of Syria.
Sec. 104. Mandatory sanctions with respect to development of weapons of mass destruction or other military capabilities.
Sec. 105. Amendment to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

TITLE II—SANCTIONS TARGETING SYRIA'S ENERGY SECTOR

Sec. 201. Findings.
Sec. 202. Sense of Congress.
Sec. 203. Declaration of policy.
Sec. 204. Multilateral regime.
Sec. 205. Imposition of sanctions.
Sec. 206. Description of sanctions.
Sec. 207. Advisory opinions.
Sec. 208. Termination of sanctions.
Sec. 209. Duration of sanctions.
Sec. 210. Reports required.
Sec. 211. Determinations not reviewable.
Sec. 212. Exclusion of certain activities.
Sec. 213. Effective date.

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 nuclear 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. 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.

Sec. 504. Imposition of sanctions on certain persons responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.
Sec. 505. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that may be used to commit human rights abuses.
Sec. 506. Comprehensive strategy to promote internet freedom and access to information in Syria.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Denial of visas for Government of Syria.
Sec. 602. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate Congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) COMPONENT PART.—The term "component part" has the meaning given that term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

(4) DEVELOP AND DEVELOPMENT.—To "develop", or the "development" of, petroleum resources means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

(5) FINANCIAL INSTITUTION.—The term "financial institution" includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter;

(E) any other company that provides financial services including, but not limited to joint ventures, partnerships or investments with Syrian government-controlled entities or affiliated entities.

(6) FINISHED PRODUCT.—The term "finished product" has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)) and includes any Syrian-origin petroleum or petroleum product.

(7) FOREIGN PERSON.—The term "foreign person" means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, joint venture, cooperative ventures or other nongovernmental entity which is not a United States person.

(8) GOODS AND TECHNOLOGY.—The terms "goods" and "technology" have the meanings given

1 those terms in section 16 of the Export Administra-
2 tion Act of 1979 (50 U.S.C. App. 2415).
3 (9) INVESTMENT.—The term "investment"
4 means any of the following activities if such activity
5 is undertaken pursuant to an agreement, or pursu-
6 ant to the exercise of rights under such an agree-
7 ment, that is entered into with the Government of
8 Syria or a nongovernmental entity in Syria on or
9 after the date of the enactment of this Act:
10 (A) The entry into a contract that includes
11 responsibility for the development of petroleum
12 resources located in Syria, or the entry into a
13 contract providing for the general supervision
14 and guarantee of another person's performance
15 of such a contract.
16 (B) The purchase of a share of ownership,
17 including an equity interest, in that develop-
18 ment.
19 (C) The entry into a contract providing for
20 the participation in royalties, earnings, or prof-
21 its in that development, without regard to the
22 form of the participation.
23 The term "investment" does not include the entry
24 into, performance, or financing of a contract to sell
25 or purchase goods, services, or technology. For pur-

poses of this paragraph, an amendment or other modification that is made, on or after the date of enactment of this Act, to an agreement or contract shall be treated as the entry of an agreement or contract.

(10) SYRIA.—The term "Syria" includes any agency or instrumentality of Syria, including any Syrian-linked or Syrian-controlled entity.

(11) SYRIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF SYRIA.—The term "Syrian diplomats and representatives of other government and military or quasi-governmental institutions of Syria" includes employees, representatives, affiliates, agents, instrumentalities, or persons of the Government of Syria.

(12) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(13) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of

nuclear energy from special nuclear material (as defined in section 11(aa) of the Atomic Energy Act of 1954) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(14) PERSON.—The term "person" means—

(A) a natural person;

(B) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, a sole proprietorship, organization, association, corporation, partnership, limited liability company, venture, joint venture, or other entity, its subsidiary, or affiliate;

(C) a company owned or controlled, either directly or indirectly, by the government of a foreign country, that is established or organized under the laws of, or has its principal place of business in, such foreign country and includes United States subsidiaries of the same;

(D) any individual or entity that directly or indirectly controls, is controlled by, or is

under common control with, the company, including without limitation direct and indirect subsidiaries of a company; and

(E) any successor to any entity described in subparagraph (B).

The term "person" does not include a government or governmental entity that is not operating as a business enterprise.

(15) PETROLEUM RESOURCES.—The term "petroleum resources" includes petroleum and natural gas resources petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

(16) REFINED PETROLEUM PRODUCTS.—The term "refined petroleum products" means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.

(17) UNITED STATES OR STATE.—The term "United States" or "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the

1 United States Virgin Islands, and any other terri-
2 tory or possession of the United States.
3 (18) UNITED STATES PERSON.—The term
4 "United States person" means—
5 (A) a natural person who is a citizen of the
6 United States or who owes permanent alle-
7 giance to the United States; and
8 (B) a corporation or other legal entity
9 which is organized under the laws of the United
10 States, any State or territory thereof, or the
11 District of Columbia, if natural persons de-
12 scribed in subparagraph (A) own, directly or in-
13 directly, more than 50 percent of the out-
14 standing capital stock or other beneficial inter-
15 est in such legal entity.
16 (19) UNITED STATES ASSISTANCE.—The term
17 "United States assistance" means—
18 (A) any assistance under the Foreign As-
19 sistance Act of 1961 (22 U.S.C. 2151 et seq.),
20 other than urgent humanitarian assistance or
21 medicine;
22 (B) sales and assistance under the Arms
23 Export Control Act (22 U.S.C. 2751 et seq.);

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

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

(20) ADMITTED; ALIEN.—The terms "admitted" and "alien" have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE I—STRENGTHENING UNITED STATES SANCTIONS AGAINST SYRIA

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) On April 29, 2011, the President transmitted to Congress a message continuing the national emergency with respect to Syria, stating that "[the Government of Syria's] actions and policies, including continuing support for terrorist organizations, damaging the Lebanese government's ability to function, and pursuit of weapons of mass destruction and missile programs, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.".

1 (2) United Nations Security Council Resolution
2 1373 (2001) mandates that all states "refrain from
3 providing any form of support, active or passive, to
4 entities or persons involved in terrorist acts", take
5 "the necessary steps to prevent the commission of
6 terrorist acts", and "deny safe haven to those who
7 finance, plan, support, or commit terrorist acts".
8 (3) The Government of Syria is currently pro-
9 hibited by United States law from receiving United
10 States assistance because it has repeatedly provided
11 support for acts of international terrorism, as deter-
12 mined by the Secretary of State for purposes of sec-
13 tion 6(j)(1) of the Export Administration Act of
14 1979 (50 U.S.C. App. 2405(j)(1)) and other rel-
15 evant provisions of law.
16 (4) The Department of State's "Country Re-
17 ports on Terrorism" for 2009 state that "Syria
18 continue[s] to provide safe-haven as well as political
19 and other support to a number of designated Pales-
20 tinian terrorist groups, including HAMAS, Pales-
21 tinian Islamic Jihad (PIJ), and the Popular Front
22 for the Liberation of Palestine-General Command
23 (PFLP–GC) . . . The operational leadership of
24 many of these groups is headquartered or sheltered
25 in Damascus . . . Syria allows terrorist groups resi-

1 dent in its territory to receive and ship goods, in-
2 cluding weapons, in and out of the country. Addi-
3 tionally, the Syrian government provided diplomatic,
4 political and material support to Hizballah in Leb-
5 anon and allowed Iran to supply this organization
6 with weapons. Weapons flow from Iran through
7 Syria, and directly from Syria, to Hizballah despite
8 UN Security Council resolution 1701 of 2006, which
9 imposes an arms embargo on Lebanon except with
10 the consent of the Lebanese government . . . Syria
11 has maintained its ties with its strategic ally, and
12 fellow state sponsor of terrorism, Iran.".
13 (5) The Department of State's "Country Re-
14 ports on Terrorism" for 2009 state that "The exist-
15 ence of foreign fighter facilitation networks in Syria
16 [for entry into Iraq] . . . remains troubling . . .
17 Syria has long provided sanctuary and political sup-
18 port for certain former Iraqi regime elements (FRE)
19 . . . In 2008, the United States designated several
20 Iraqis and Iraqi-owned entities residing in Syria
21 under Executive Order 13438 for providing finan-
22 cial, material, and technical support for acts of vio-
23 lence that threatened the peace and stability of Iraq
24 . . . Additionally, the United States designated one
25 Syria-based individual in 2007 under E.O. 13224 for

1 providing financial and material support to AQI and
2 six others under E.O. 13315 as FRE or family
3 members of FRE, some of whom had provided fi-
4 nancial assistance to the Iraqi insurgency.".
5 (6) According to the "Message and Notice from
6 the President on the Continuation of the National
7 Emergency with Respect to Syria" dated April 29,
8 2011, the Government of Syria is "damaging the
9 Lebanese government's ability to function".
10 (7) According to the Office of the Director of
11 National Intelligence's "Unclassified Report to Con-
12 gress on the Acquisition of Technology Relating to
13 Weapons of Mass Destruction and Advanced Con-
14 ventional Munitions" for the year 2010, "Syria . . .
15 was engaged for more than a decade in a covert nu-
16 clear program with North Korean assistance. The
17 program involved construction of a nuclear reactor
18 at Al Kibar without informing the IAEA and while
19 taking measures to preserve the site's secrecy. We
20 assess the reactor would have been capable of pro-
21 ducing plutonium for nuclear weapons. The reactor
22 was destroyed in September 2007, before it became
23 operational, and Syria went to great lengths to try
24 to eradicate evidence of its existence and remains
25 generally uncooperative with the IAEA investigation.

The covert nature of the program, the characteristics of the reactor, and Syria's extreme efforts to deny and destroy evidence of the reactor after its destruction are inconsistent with peaceful nuclear applications.".

(8) According to the Office of the Director of National Intelligence's "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions" for the year 2010, "Syria possesses one of the largest ballistic missile forces in the Middle East, including liquid-propellant Scud SRBMs and Scud-class variants such as Scud C and D. Syria also fields the SS–21 solid-propellant SRBM. Syria remains dependent on foreign suppliers such as North Korea and Iran for some ballistic missile technology; however, Syria has growing domestic capabilities and poses the risk of missile proliferation.".

(9) According to the Office of the Director of National Intelligence's "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions" for the year 2010, "Syria continue[s] to seek dual-use technology from foreign

1 sources . . . Syria has had a [chemical weapons]
2 program for many years and has a stockpile of
3 [chemical weapons] agents, which can be delivered
4 by aerial bombs, ballistic missiles, and artillery rock-
5 ets . . . Syria's biotechnical infrastructure is capa-
6 ble of supporting [biological weapons] agent develop-
7 ment.".

8 (10) Under the Treaty on the NonProliferation
9 of Nuclear Weapons (21 U.S.T. 483), which entered
10 force on March 5, 1970, and to which Syria is a
11 party, Syria has undertaken not to acquire or
12 produce nuclear weapons and has accepted full scope
13 safeguards of the International Atomic Energy
14 Agency to detect diversions of nuclear materials
15 from peaceful activities to the production of nuclear
16 weapons or other nuclear explosive devices.

17 (11) Syria is not a party to the Chemical Weap-
18 ons Convention or the Biological Weapons Conven-
19 tion, which entered into force on April 29, 1997, and
20 on March 26, 1975, respectively.

21 (12) According to the Department of State's
22 2010 Country Reports on Human Rights Practices,
23 "[Syria is] under the authoritarian regime of Presi-
24 dent Bashar al-Asad . . . [In 2010, t]he government
25 systematically repressed citizens' ability to change

1 their government. The security forces committed ar-
2 bitrary or unlawful killings, caused politically moti-
3 vated disappearances, and tortured and physically
4 abused prisoners and detainees with impunity. Secu-
5 rity forces arrested and detained individuals under
6 poor conditions without due process. Lengthy pre-
7 trial and incommunicado detention remained a seri-
8 ous problem. The judiciary was not independent.
9 There were political prisoners and detainees, and
10 during the year the government sentenced to prison
11 several high-profile members of the human rights
12 and civil society communities. The government vio-
13 lated citizens' privacy rights. The government im-
14 posed severe restrictions on civil liberties: freedoms
15 of speech and press, including Internet and aca-
16 demic freedom; freedoms of assembly and of associa-
17 tion, including severe restrictions on nongovern-
18 mental organizations (NGOs); and freedoms of reli-
19 gion and movement. An atmosphere of corruption
20 pervaded the government. Violence and societal dis-
21 crimination against women continued, as did sexual
22 exploitation, increasingly of Iraqi refugees, including
23 minors. The government discriminated against mi-
24 norities, particularly Kurds, and severely restricted
25 workers rights.''.

(13) Since March of 2011, the Government of Syria has expanded its repression and human rights violations, killing hundreds of Syrians and reportedly detaining or imprisoning many others.

(14) In May of 2011, the European Union imposed sanctions on a number of Syrian officials, including the President of Syria, and other Syrian persons for their role in human rights abuses.

(15) The Government of Syria remains dependent on Syria's energy sector for revenue, even as Syria's petroleum production has largely declined in recent years due to diminishing reserves and limited refining capacity.

(16) The Government of Syria's ability to generate additional revenue for its threatening activities, via expanding Syria's refining capacity and significantly increasing petroleum production and exports, is heavily dependent on obtaining increased foreign investment in Syria's energy sector.

SEC. 102. DECLARATIONS OF POLICY.

Congress makes the following declarations of policy:

(1) The actions of the Government of the Syria, including its support for, and facilitation of, terrorist activities, including inside of Iraq, its development of long-range missiles and weapons of mass destruction

1 programs and capabilities, its continued interference
2 with the internal affairs of the Lebanese Republic in
3 violation of multiple United Nations Security Coun-
4 cil resolutions and of its international obligations,
5 and its massive, systematic, and extraordinary viola-
6 tions of human rights of the Syrian people, are a
7 threat to the national security of the United States
8 and international peace.

9 (2) The policy of the United States shall be to
10 deny the Government of Syria the ability to carry
11 out the following:

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

14 (B) To develop chemical, biological, radio-
15 logical, or nuclear weapons and long-range bal-
16 listic missiles.

17 (C) To continue to interfere in the affairs
18 of the Government of Lebanon in contravention
19 of multiple United Nations Security Council
20 resolutions and other pertinent obligations.

21 (D) To continue to oppress the people of
22 Syria.

23 (3) The President should advocate for, and
24 should instruct the United States Permanent Rep-
25 resentative to the United Nations to propose and

1 seek within the United Nations Security Council, a
2 mandatory international embargo against the Gov-
3 ernment of Syria, pursuant to Article 41 of the
4 Charter of the United Nations.

5 (4) Any effort by a country that is a recipient
6 of United States assistance to facilitate, directly or
7 indirectly, the development of Syria's chemical, bio-
8 logical, radiological, or nuclear weapons capabilities,
9 long-range ballistic missile development programs, or
10 to help make operational any nuclear facility in
11 Syria will have a detrimental impact on United
12 States assistance to, or commercial and financial re-
13 lations with, such country.

14 **SEC. 103. CODIFICATION OF EXISTING SANCTIONS AND**
15 **CONTINUATION OF RESTRICTIONS AGAINST**
16 **THE GOVERNMENT OF SYRIA.**

17 (a) RESTRICTIONS RELATING TO CERTAIN PROVI-
18 SIONS OF LAW.—Restrictions against the Government of
19 Syria, and on persons by reason of their direction of, or
20 contribution to, activities of the Government of Syria, that
21 were imposed pursuant to the Code of Federal Regula-
22 tions, sections 4 and 5 of Executive Order 12938, sections
23 1, 2, and 3 of Executive Order 13338, section 1 of Execu-
24 tive Order 13399, sections 1 and 2 of Executive Order
25 13460, Executive Order 13572, Executive Order 13573,

1 section 311 of the USA PATRIOT Act (Public Law 107–
2 56, 115 Stat. 272), the Export Administration Act of
3 1979 (Public Law 96–72, 50 U.S.C. App. 2401 et seq.),
4 the Syria Accountability and Lebanese Sovereignty Res-
5 toration Act of 2003 (Public Law 108–175, 22 U.S.C.
6 2151 note), the Iran, North Korea, and Syria Non-
7 proliferation Act (Public Law 106–178, 50 U.S.C. 1701
8 note), or any similar provision of law, as in effect on the
9 date of the enactment of this Act, shall remain in effect
10 and may not be lifted pursuant to such provisions of law
11 until the President certifies to the appropriate congres-
12 sional committees that the Government of Syria—
13 (1) has ceased all support for terrorism, includ-
14 ing by meeting the requirements of paragraphs (2),
15 (3), and (4) of subsection (b), and has not provided
16 such support during the preceding 5-year period and
17 has not been determined by the Secretary of State,
18 for the purposes of section 6(j) of the Export Ad-
19 ministration Act of 1979, section 620A of the For-
20 eign Assistance Act of 1961, section 40 of the Arms
21 Export Control Act, or any other provision of law,
22 to be a government that has repeatedly provided
23 support for acts of international terrorism at any
24 time during such 5-year period;

(2)(A) has permanently dismantled Syria's chemical, biological, radiological, and nuclear weapons programs;

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

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

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

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

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

(3) does not pose a threat to United States national security, United States interests, and United States allies in the region;

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

(5) upholds and defends the human rights and civil liberties of its people;

(6) has legalized all political activity;

(7) has made public commitments to organizing free and fair elections for a new government—

(A) to be held within a period not to exceed 180 days after the date on which the

President makes the determination and certification to the appropriate congressional committees under this subsection;

(B) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

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

(8) made public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary; and

(B) respecting internationally recognized human rights and basic freedoms as recognized in the Universal Declaration of Human Rights.

(b) RESTRICTIONS RELATING TO STATE SPONSOR OF TERRORISM DETERMINATION.—Restrictions against the Government of Syria that were imposed by reason of a determination by the Secretary of State that the Government of Syria, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursu-

1 ant to the International Emergency Economic Powers
2 Act), section 40 of the Arms Export Control Act, section
3 620A of the Foreign Assistance Act of 1961, or other pro-
4 vision of law, is a government that has repeatedly provided
5 support for acts of international terrorism, shall remain
6 in effect, and shall not be lifted pursuant to such provi-
7 sions of law, unless the President certifies to the appro-
8 priate congressional committees that the Government of
9 Syria—
10 (1) is not engaged in the illegal transfer of mis-
11 sile or nuclear technology to the Government of
12 North Korea or to any country the government of
13 which the Secretary of State has determined, for
14 purposes of any of the provisions of law specified in
15 the matter preceding this paragraph, is a govern-
16 ment that has repeatedly provided support for acts
17 of international terrorism;
18 (2) is no longer engaged in training, harboring,
19 supplying, financing, or supporting in any way—
20 (A) Hamas, Hezbollah, Palestinian Islamic
21 Jihad, the Popular Front for the Liberation of
22 Palestine, the Popular Front for the Liberation
23 of Palestine-General Command, the Democratic
24 Front for the Liberation of Palestine, Fatah al-
25 Intifada, or Fatah al-Islam;

1 (B) any other organization designated by
2 the Secretary of State as a foreign terrorist or-
3 ganization in accordance with section 219(a) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1189(a));
6 (C) any person included on the Annex to
7 Executive Order 13224 (September 23, 2001)
8 and any other person identified under section 1
9 of that Executive Order whose property and in-
10 terests in property are blocked by such section
11 (commonly known as a "specially designated
12 global terrorist");
13 (D) any person designated under section 3
14 of Executive Order 13338 (May 13, 2004) or
15 under section 1 of Executive Order 13438 (July
16 17, 2007);
17 (E) the Syrian Social Nationalist Party;
18 (F) any other person or organization con-
19 tributing to instability in Lebanon or Iraq; and
20 (G) any agency, instrumentality, affiliate,
21 or successor organization of the organizations
22 listed in subparagraph (A), (B), (C), (D), (E),
23 or (F);
24 (3) has immediately and unconditionally
25 stopped facilitating transit from Syria to Iraq of in-

1 dividuals, military equipment, and all lethal items,
2 except as authorized by the representative, inter-
3 nationally recognized Government of Iraq; and
4 (4) has ceased its support for "volunteers" and
5 terrorists who are traveling from and through Syria
6 into Iraq to launch attacks.

7 **SEC. 104. MANDATORY SANCTIONS WITH RESPECT TO DE-**
8 **VELOPMENT OF WEAPONS OF MASS DE-**
9 **STRUCTION OR OTHER MILITARY CAPABILI-**
10 **TIES.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, the President shall impose the sanctions de-
13 scribed in subsection (b) if the President determines that
14 a person has, on or after the date of the enactment of
15 this Act exported, transferred, or otherwise provided to
16 Syria any goods, services, technology, or other items know-
17 ing that the provision of such goods, services, technology,
18 or other items would contribute materially to the ability
19 of Syria to—
20 (1) acquire or develop chemical, biological, or
21 nuclear weapons or related technologies; or
22 (2) acquire or develop destabilizing numbers
23 and types of advanced conventional weapons.
24 (b) SANCTIONS.—The sanctions to be imposed on a
25 person described in subsection (a) are the following:

1 (1) EXPORT-IMPORT BANK ASSISTANCE FOR
2 EXPORTS TO SANCTIONED PERSONS.—The President
3 may direct the Export-Import Bank of the United
4 States not to give approval to the issuance of any
5 guarantee, insurance, extension of credit, or partici-
6 pation in the extension of credit in connection with
7 the export of any goods or services to any sanctioned
8 person.
9 (2) EXPORT SANCTION.—
10 (A) IN GENERAL.—The President may
11 order the United States Government not to
12 issue any specific license and not to grant any
13 other specific permission or authority to export
14 any goods or technology to a sanctioned person
15 under—
16 (i) the Export Administration Act of
17 1979;
18 (ii) the Arms Export Control Act;
19 (iii) the Atomic Energy Act of 1954;
20 or
21 (iv) any other statute that requires
22 the prior review and approval of the
23 United States Government as a condition
24 for the export or re-export of goods or
25 services.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Syria of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Syria to provide humanitarian assistance to the people of Syria;

(iii) information or informational materials; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $2,000,000 in any

12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

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

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

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

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

1 (6) FOREIGN EXCHANGE.—The President shall
2 prohibit any transactions in foreign exchange that
3 are subject to the jurisdiction of the United States
4 and in which the sanctioned person has any interest.
5 (7) BANKING TRANSACTIONS.—The President
6 shall prohibit any transfers of credit or payments be-
7 tween financial institutions or by, through, or to any
8 financial institution, to the extent that such trans-
9 fers or payments are subject to the jurisdiction of
10 the United States and involve any interest of the
11 sanctioned person.
12 (8) PROPERTY TRANSACTIONS.—The President
13 shall prohibit any person from—
14 (A) acquiring, holding, withholding, using,
15 transferring, withdrawing, transporting, import-
16 ing, or exporting any property that is subject to
17 the jurisdiction of the United States and with
18 respect to which the sanctioned person has any
19 interest;
20 (B) dealing in or exercising any right,
21 power, or privilege with respect to such prop-
22 erty; or
23 (C) conducting any transaction involving
24 such property.

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

(c) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), in any case in which a person is subject to sanctions under subsection (a) because of an activity described in that subsection that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, with respect to the country the government of which has primary jurisdiction over the person, the following shall apply:

(A) No license may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to such country of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

1 (B) The United States Government shall
2 suspend compliance with its obligations under
3 any memorandum of understanding with such
4 country for the codevelopment or coproduction
5 of any item on the United States Munitions
6 List (established under section 38 of the Arms
7 Export Control Act (22 U.S.C. 2778)), includ-
8 ing any obligation for implementation of such
9 memorandum of understanding through the
10 sale to such country of technical data or assist-
11 ance or the licensing for export to such country
12 of any component part.
13 (C) No item on the United States Muni-
14 tions List (established pursuant to section 38 of
15 the Arms Export Control Act) may be exported
16 to such country.
17 (D) The United States Government shall
18 not issue any license for any export by or to
19 such country.
20 (E) The President shall ban the importa-
21 tion of any article that is a product of such
22 country.
23 (F) The Secretary of the Treasury shall in-
24 struct the United States Executive Director at
25 each international financial institution (as de-

1 fined in section 1701(c)(2) of the International
2 Financial Institutions Act) to oppose and vote
3 against the extension by such institution of any
4 financial or technical assistance to such coun-
5 try.
6 (G) The United States Government shall
7 suspend compliance with its obligations under
8 any technical exchange agreement involving
9 military and dual-use technology between the
10 United States and such country that does not
11 directly contribute to the national security of
12 the United States, and no military or dual-use
13 technology may be exported from the United
14 States to such country pursuant to such agree-
15 ment during such period.
16 (2) EXCEPTION.—The sanctions described in
17 paragraph (1) shall not apply with respect to a
18 country the government of which has primary juris-
19 diction over a person that engages in an activity de-
20 scribed in that subparagraph if the President deter-
21 mines and notifies the appropriate congressional
22 committees that the government of the country—
23 (A) does not know or have reason to know
24 about the activity; and

1 (B) has taken, or is taking, all reasonable
2 steps necessary to prevent a recurrence of the
3 activity and to penalize the person for the activ-
4 ity.

5 (3) INDIVIDUAL APPROVAL.—Notwithstanding
6 paragraph (1), the President may, on a case-by-case
7 basis, approve the issuance of a license for the ex-
8 port, or approve the transfer or retransfer, of any
9 nuclear material, facilities, components, or other
10 goods, services, or technology that are or would be
11 subject to an agreement for cooperation, to a person
12 in a country to which paragraph (1) applies (other
13 than a person that is subject to the sanctions under
14 paragraph (1)) if the President—

15 (A) determines that failure to approve the
16 issuance of such license, or to approve such
17 transfer or retransfer, would cause extraor-
18 dinary harm to the vital national security inter-
19 ests of the United States; and

20 (B) not later than 15 days before issuing
21 such license or approving such transfer or re-
22 transfer, submits to the Committee on Foreign
23 Affairs of the House of Representatives and the
24 Committee on Foreign Relations of the Senate

the justification for approving such license, transfer, or retransfer.

(4) CONSTRUCTION.—The restrictions in paragraph (1) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other related laws.

(5) DEFINITION.—In this subsection, the term "agreement for cooperation" has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(6) APPLICABILITY.—The sanctions under paragraph (1) shall apply only in a case in which a person is subject to sanctions under subsection (a) because of an activity described in that subsection in which the person engages on or after the date of the enactment of this Act.

(d) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsection (a) shall be imposed on—

(1) any person the President determines has carried out the activities described in subsection (a); and

(2) any person that—

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

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

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

For purposes of this Act, any person or entity described in this subsection shall be referred to as a "sanctioned person".

SEC. 105. AMENDMENT TO THE SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003.

Section 5 of the Syria Accountability and Lebanese Sovereignty Restoration Act is amended—

(1) in subsection (a), in paragraph (2), by striking "two" and inserting "four"; and

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

TITLE II—SANCTIONS TARGETING SYRIA'S ENERGY SECTOR

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The efforts of the Government of Syria to acquire nuclear weapons capabilities, develop and expand existing unconventional weapons capabilities and the means to deliver them, both through ballistic missile and asymmetric means, and its support for foreign terrorist organizations and other extremists endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

(2) The objective of preventing the proliferation of nuclear weapons capabilities, other unconventional weapons and activities of foreign terrorist organizations and other extremists through existing multilateral and bilateral initiatives requires additional ef-

1 forts to deny Syria the financial means to sustain its
2 nuclear, chemical, biological, and missile weapons
3 programs.
4 (3) The Government of Syria uses its diplo-
5 matic facilities and quasi-governmental institutions
6 outside of Syria to support foreign terrorist organi-
7 zations and other extremists, and assist its nuclear,
8 unconventional weapons and missile programs.

9 **SEC. 202. SENSE OF CONGRESS.**

10 It is the sense of Congress that the United States
11 shall fully implement the sanctions against Syria con-
12 tained in this title.

13 **SEC. 203. DECLARATION OF POLICY.**

14 The Congress declares that it is the policy of the
15 United States to deny Syria the ability to support acts
16 of foreign terrorist organizations and extremists, develop
17 unconventional weapons and ballistic missiles, and to fund
18 the development and acquisition of nuclear capabilities
19 and the means to deliver them by limiting the development
20 of Syria's ability to explore for, extract, refine, or trans-
21 port by pipeline petroleum resources of Syria.

22 **SEC. 204. MULTILATERAL REGIME.**

23 (a) MULTILATERAL NEGOTIATIONS.—In order to
24 further the objectives of section 102, the Congress urges
25 the President to commence immediately diplomatic efforts,

1 both in appropriate international fora such as the United
2 Nations, and bilaterally with allies of the United States,
3 to establish a multilateral sanctions regime against Syria,
4 including provisions limiting the development of petroleum
5 resources, that will inhibit Syria's efforts to carry out ac-
6 tivities described in section 203.

7 (b) REPORTS TO CONGRESS.—The President shall re-
8 port to the appropriate congressional committees, not later
9 than 1 year after the date of the enactment of this Act,
10 and annually thereafter, on the extent that diplomatic ef-
11 forts described in subsection (a) have been successful.
12 Each report shall include—

13 (1) the countries that have agreed to undertake
14 measures to further the objectives of section 102
15 with respect to Syria, and a description of those
16 measures; and

17 (2) the countries that have not agreed to meas-
18 ures described in paragraph (1), and, with respect to
19 those countries, other measures the President rec-
20 ommends that the United States take to further the
21 objectives of section 203 with respect to Syria.

22 (c) INTERIM REPORT ON MULTILATERAL SANC-
23 TIONS; MONITORING.—The President, not later than 90
24 days after the date of the enactment of this Act, shall re-
25 port to the appropriate congressional committees on—

1 (1) which countries have legislative or adminis-
2 trative standards providing for the imposition of
3 trade sanctions on persons or their affiliates doing
4 business or having investments in Syria;
5 (2) the extent and duration of each instance of
6 the application of such sanctions; and
7 (3) the disposition of any decision with respect
8 to such sanctions by the World Trade Organization
9 or its predecessor organization.
10 (d) INVESTIGATIONS.—
11 (1) IN GENERAL.—The President shall initiate
12 an investigation into the possible imposition of sanc-
13 tions under section 205 against a person upon re-
14 ceipt by the United States of credible information
15 indicating that such person is engaged in an activity
16 described in such section.
17 (2) CREDIBLE INFORMATION.—The term "cred-
18 ible information" means, with respect to a person,
19 such person's public announcement of an activity de-
20 scribed in section 205, Syrian governmental an-
21 nouncements of such an activity, reports to stock-
22 holders, annual reports, industry reports, Govern-
23 ment Accountability Office products, and trade pub-
24 lications.

1 (3) DETERMINATION AND NOTIFICATION.—Not
2 later than 180 days after an investigation is initi-
3 ated in accordance with paragraph (1), the Presi-
4 dent shall (unless paragraph (3) applies) determine,
5 pursuant to section 205, if a person has engaged in
6 an activity described in such section and shall notify
7 the appropriate congressional committees of the
8 basis for any such determination.
9 (4) BRIEFING.—Not later than 30 days after
10 the date of the enactment of this Act, and quarterly
11 thereafter, the Secretary of State shall—
12 (A) brief the appropriate congressional
13 committees regarding investigations initiated
14 under this section; and
15 (B) furnish to the appropriate congres-
16 sional committees, pursuant to section 15(b) of
17 the State Department Basic Authorities Act of
18 1956 (22 U.S.C. 2680(b)), all requested infor-
19 mation relating to investigations or reviews ini-
20 tiated under this Act.
21 **SEC. 205. IMPOSITION OF SANCTIONS.**
22 (a) SANCTIONS WITH RESPECT TO THE DEVELOP-
23 MENT OF PETROLEUM RESOURCES OF SYRIA, PRODUC-
24 TION OF REFINED PETROLEUM PRODUCTS IN SYRIA, AND

1 EXPORTATION OF REFINED PETROLEUM PRODUCTS TO
2 SYRIA.—
3 (1) DEVELOPMENT OF PETROLEUM RESOURCES
4 OF SYRIA.—
5 (A) IN GENERAL.—Except as provided in
6 subsection (g) or (h), the President shall impose
7 the sanctions described in section 206(a) with
8 respect to a person if the President determines
9 that the person knowingly, on or after the date
10 of the enactment of this Act—
11 (i) makes an investment described in
12 subparagraph (B) of $5,000,000 or more;
13 or
14 (ii) makes a combination of invest-
15 ments described in subparagraph (B) in a
16 12-month period if each such investment is
17 of at least $2,000,000 and such invest-
18 ments equal or exceed $5,000,000 in the
19 aggregate.
20 (B) INVESTMENT DESCRIBED.—An invest-
21 ment described in this subparagraph is an in-
22 vestment that directly and significantly contrib-
23 utes to the enhancement of Syria's ability to de-
24 velop petroleum resources.

(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

(A) IN GENERAL.—Except as provided in subsection (g) or (h), the President shall impose the sanctions described in section 206(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act sells, leases, or provides to Syria goods, services, technology, information, or support described in subparagraph (B)—

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

(ii) that, during a 12-month period, have an aggregate fair market value of $2,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Syria's domestic production of refined petroleum products, including any direct and significant assistance

with respect to the construction, modernization, or repair of petroleum refineries.

(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO SYRIA.—

(A) IN GENERAL.—Except as provided in subsection (g) or (h), the President shall impose 3 or more of the sanctions described in section 206(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act—

(i) sells or provides to Syria refined petroleum products—

(I) that have a fair market value of $1,000,000 or more; or

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

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

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

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

1 (B) GOODS, SERVICES, TECHNOLOGY, IN-
2 FORMATION, OR SUPPORT DESCRIBED.—Goods,
3 services, technology, information, or support de-
4 scribed in this subparagraph are goods, serv-
5 ices, technology, information, or support that
6 could directly and significantly contribute to the
7 enhancement of Syria's ability to import refined
8 petroleum products, including—
9 (i) except as provided in subparagraph
10 (C), underwriting or entering into a con-
11 tract to provide insurance or reinsurance
12 for the sale, lease, or provision of such
13 goods, services, service contracts, tech-
14 nology, information, or support;
15 (ii) financing or brokering such sale,
16 lease, or provision;
17 (iii) entering into an agreement with
18 Syria to purchase or provide future deliv-
19 ery of Syrian petroleum resources;
20 (iv) purchasing, subscribing to, or fa-
21 cilitating the issuance of Syrian sovereign
22 debt; or
23 (v) providing ships or shipping serv-
24 ices (to include infrastructure develop-

1 ment) to deliver refined petroleum prod-
2 ucts to Syria.
3 (C) EXCEPTION FOR UNDERWRITERS AND
4 INSURANCE PROVIDERS EXERCISING DUE DILI-
5 GENCE.—The President may not impose sanc-
6 tions under this paragraph with respect to a
7 person that provides underwriting services or
8 insurance or reinsurance if the President deter-
9 mines that the person has exercised due dili-
10 gence in establishing and enforcing official poli-
11 cies, procedures, and controls to ensure that the
12 person does not underwrite or enter into a con-
13 tract to provide insurance or reinsurance for
14 the sale, lease, or provision of goods, services,
15 technology, information, or support described in
16 subparagraph (B).
17 (b) PERSONS AGAINST WHICH THE SANCTIONS ARE
18 TO BE IMPOSED.—The sanctions described in subsection
19 shall be imposed on—
20 (1) any person the President determines has
21 carried out the activities described in subsection (a);
22 and
23 (2) any person that—
24 (A) is a successor entity to the person re-
25 ferred to in paragraph (1);

1 (B) owns or controls the person referred to
2 in paragraph (1), if the person that owns or
3 controls the person referred to in paragraph (1)
4 had actual knowledge or should have known
5 that the person referred to in paragraph (1) en-
6 gaged in the activities referred to in that para-
7 graph; or
8 (C) is owned or controlled by, or under
9 common ownership or control with, the person
10 referred to in paragraph (1), if the person
11 owned or controlled by, or under common own-
12 ership or control with (as the case may be), the
13 person referred to in paragraph (1) knowingly
14 engaged in the activities referred to in that
15 paragraph.
16 For purposes of this Act, any person or entity de-
17 scribed in this subsection shall be referred to as a
18 "sanctioned person".
19 (c) PUBLICATION IN FEDERAL REGISTER.—The
20 President shall cause to be published in the Federal Reg-
21 ister a current list of persons and entities on which sanc-
22 tions have been imposed under this Act. The removal of
23 persons or entities from, and the addition of persons and
24 entities to, the list, shall also be so published.

1 (d) PUBLICATION OF PROJECTS.—The President
2 shall cause to be published in the Federal Register a list
3 of all significant projects which have been publicly ten-
4 dered in the oil and gas sector in Syria.
5 (e) EXCEPTIONS.—The President shall not be re-
6 quired to apply or maintain the sanctions under subsection
7 (a)—
8 (1) in the case of procurement of defense arti-
9 cles or defense services—
10 (A) under existing contracts or sub-
11 contracts, including the exercise of options for
12 production quantities to satisfy requirements
13 essential to the national security of the United
14 States;
15 (B) if the President determines in writing
16 that the person to which the sanctions would
17 otherwise be applied is a sole source supplier of
18 the defense articles or services, that the defense
19 articles or services are essential, and that alter-
20 native sources are not readily or reasonably
21 available; or
22 (C) if the President determines in writing
23 that such articles or services are essential to the
24 national security under defense coproduction
25 agreements;

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

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

(4) to—

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

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

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

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

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

1 (f) WAIVER.—The President may waive the applica-
2 tion of the sanctions listed in subsection (a) on a case-
3 by-case basis if, 15 days before the waiver is issued, the
4 President certifies to the appropriate congressional com-
5 mittees that failure to issue the waiver would cause ex-
6 traordinary harm to the vital national security interests
7 of the United States.

8 (g) GROUNDS FOR EXCLUSION.—The Secretary of
9 State shall deny a visa to, and the Secretary of Homeland
10 Security shall exclude from the United States, any alien
11 whom the Secretary of State determines is an alien who,
12 on or after the date of the enactment of this Act is a—

13 (1) corporate officer, principal, or shareholder
14 with a controlling interest of a person against whom
15 sanctions have been imposed pursuant to this sec-
16 tion;

17 (2) corporate officer, principal, or shareholder
18 with a controlling interest of a successor entity to or
19 a parent or subsidiary of such a person;

20 (3) corporate officer, principal, or shareholder
21 with a controlling interest of an affiliate of such a
22 sanctioned person, if such affiliate engaged in a
23 sanctionable activity described in subsection (a) or
24 (b) of this section, and if such affiliate is controlled
25 in fact by such a person;

1 (4) spouse, minor child, or agent of a person
2 excludable under paragraph (1), (2), or (3);
3 (5) senior official of a foreign government that
4 is identified as a person against whom sanctions
5 have been imposed pursuant to this section;
6 (6) senior official of a foreign government with
7 primary jurisdiction over such a person; or
8 (7) spouse, minor child, or agent of a person
9 excludable under paragraph (5) or (6).
10 (h) EXCEPTION.—The President may waive the sanc-
11 tions described in subsection (a) with respect to a person
12 specified in paragraph (5), (6), or (7) of subsection (g)
13 if the President determines and certifies in writing to the
14 appropriate congressional committees, on a case by case
15 basis, that the foreign government with primary jurisdic-
16 tion over such a person against whom sanctions have been
17 imposed pursuant to this section has made and continues
18 to make clear, specific efforts to stop and deter a
19 sanctionable activity described in subsection (a) or (b).
20 **SEC. 206. DESCRIPTION OF SANCTIONS.**
21 (a) IN GENERAL.—The sanctions to be imposed on
22 a sanctioned person under section 205 are as follows:
23 (1) EXPORT-IMPORT BANK ASSISTANCE FOR
24 EXPORTS TO SANCTIONED PERSONS.—The President
25 may 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) EXPORT SANCTION.—The President may
7 order the United States Government not to issue
8 any specific license and not to grant any other spe-
9 cific permission or authority to export any goods or
10 technology to a sanctioned person under—

11 (A) the Export Administration Act of
12 1979;

13 (B) the Arms Export Control Act;

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

15 (D) any other statute that requires the
16 prior review and approval of the United States
17 Government as a condition for the export or re-
18 export of goods or services.

19 (3) EXCEPTIONS.—The prohibition in sub-
20 section (a) does not apply to exports to Syria of—

21 (A) agricultural commodities, food, medi-
22 cine, or medical devices;

23 (B) articles exported to Syria to provide
24 humanitarian assistance to the people of Syria;

(C) information or informational materials; or

(D) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(4) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $2,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

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

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Gov-

1 ernors of the Federal Reserve System nor the
2 Federal Reserve Bank of New York may des-
3 ignate, or permit the continuation of any prior
4 designation of, such financial institution as a
5 primary dealer in United States Government
6 debt instruments.
7 (B) PROHIBITION ON SERVICE AS A RE-
8 POSITORY OF GOVERNMENT FUNDS.—Such fi-
9 nancial institution may not serve as agent of
10 the United States Government or serve as re-
11 pository for United States Government funds.
12 (6) PROCUREMENT SANCTION.—The United
13 States Government may not procure, or enter into
14 any contract for the procurement of, any goods or
15 services from a sanctioned person.
16 (7) FOREIGN EXCHANGE.—The President shall
17 prohibit any transactions in foreign exchange that
18 are subject to the jurisdiction of the United States
19 and in which the sanctioned person has any interest.
20 (8) BANKING TRANSACTIONS.—The President
21 shall prohibit any transfers of credit or payments be-
22 tween financial institutions or by, through, or to any
23 financial institution, to the extent that such trans-
24 fers or payments are subject to the jurisdiction of

1 the United States and involve any interest of the
2 sanctioned person.
3 (9) PROPERTY TRANSACTIONS.—The President
4 shall prohibit any person from—
5 (A) acquiring, holding, withholding, using,
6 transferring, withdrawing, transporting, import-
7 ing, or exporting any property that is subject to
8 the jurisdiction of the United States and with
9 respect to which the sanctioned person has any
10 interest;
11 (B) dealing in or exercising any right,
12 power, or privilege with respect to such prop-
13 erty; or
14 (C) conducting any transaction involving
15 such property.
16 (10) ADDITIONAL SANCTIONS.—The President
17 may impose sanctions, as appropriate, to restrict im-
18 ports with respect to a sanctioned person, in accord-
19 ance with the International Emergency Economic
20 Powers Act (50 U.S.C. 1701 and following).
21 (b) ADDITIONAL MEASURE RELATING TO GOVERN-
22 MENT CONTRACTS.—
23 (1) MODIFICATION OF FEDERAL ACQUISITION
24 REGULATION.—Not later than 90 days after the
25 date of the enactment of this Act, the Federal Ac-

1 quisition Regulation issued pursuant to section 25 of
2 the Office of Federal Procurement Policy Act (41
3 U.S.C. 421) shall be revised to require a certifi-
4 cation from each person that is a prospective con-
5 tractor that the person does not engage in any activ-
6 ity for which sanctions may be imposed under sec-
7 tion 205.
8 (2) REMEDIES.—
9 (A) IN GENERAL.—If the head of an exec-
10 utive agency determines that a person has sub-
11 mitted a false certification under paragraph (1)
12 after the date on which the Federal Acquisition
13 Regulation is revised to implement the require-
14 ments of this subsection, the head of that exec-
15 utive agency shall terminate a contract with
16 such person or debar or suspend such person
17 from eligibility for Federal contracts for a pe-
18 riod of not more than 3 years. Any such debar-
19 ment or suspension shall be subject to the pro-
20 cedures that apply to debarment and suspen-
21 sion under the Federal Acquisition Regulation
22 under subpart 9.4 of part 9 of title 48, Code of
23 Federal Regulations.
24 (B) INCLUSION ON LIST OF PARTIES EX-
25 CLUDED FROM FEDERAL PROCUREMENT AND

1 NONPROCUREMENT PROGRAMS.—The Adminis-
2 trator of General Services shall include on the
3 List of Parties Excluded from Federal Procure-
4 ment and Nonprocurement Programs main-
5 tained by the Administrator under part 9 of the
6 Federal Acquisition Regulation issued pursuant
7 to section 25 of the Office of Federal Procure-
8 ment Policy Act (41 U.S.C. 421) each person
9 that is debarred, suspended, or proposed for de-
10 barment or suspension by the head of an execu-
11 tive agency on the basis of a determination of
12 a false certification under subparagraph (A).
13 (3) CLARIFICATION REGARDING CERTAIN PROD-
14 UCTS.—The remedies set forth in paragraph (2)
15 shall not apply with respect to the procurement of
16 eligible products, as defined in section 308(4) of the
17 Trade Agreements Act of 1974 (19 U.S.C. 2518(4)),
18 of any foreign country or instrumentality designated
19 under section 301(b) of that Act (19 U.S.C.
20 2511(b)).
21 (4) RULE OF CONSTRUCTION.—This subsection
22 shall not be construed to limit the use of other rem-
23 edies available to the head of an executive agency or
24 any other official of the Federal Government on the

1 basis of a determination of a false certification
2 under paragraph (1).
3 (5) EXECUTIVE AGENCY DEFINED.—In this
4 subsection, the term "executive agency" has the
5 meaning given that term in section 204 of the Office
6 of Federal Procurement Policy Act (41 U.S.C. 403).

7 **SEC. 207. ADVISORY OPINIONS.**

8 The Secretary of State may, upon the request of any
9 person, issue an advisory opinion to that person as to
10 whether a proposed activity by that person would subject
11 that person to sanctions under this Act. Any person who
12 relies in good faith on such an advisory opinion which
13 states that the proposed activity would not subject a per-
14 son to such sanctions, and any person who thereafter en-
15 gages in such activity, will not be made subject to such
16 sanctions on account of such activity.

17 **SEC. 208. TERMINATION OF SANCTIONS.**

18 The requirement under section 205 to impose sanc-
19 tions shall no longer have force or effect with respect to
20 Syria if the President determines and certifies to the ap-
21 propriate congressional committees that the Government
22 of Syria—
23 (1) has ceased all support for terrorism, includ-
24 ing that the Government of Syria—

(A) is not engaged in the illegal transfer of missile or nuclear technology to the Government of North Korea or to any country the government of which the Secretary of State has determined, for purposes of any of the provisions of law specified in the matter preceding this paragraph, is a government that has repeatedly provided support for acts of international terrorism;

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

(i) Hamas, Hezbollah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, the Democratic Front for the Liberation of Palestine, Fatah al-Intifada, or Fatah al-Islam;

(ii) any other organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(iii) any person included on the Annex to Executive Order 13224 (September 23, 2001) and any other person identified under section 1 of that Executive Order whose property and interests in property are blocked by such section (commonly known as a "specially designated global terrorist");

(iv) any person designated under section 3 of Executive Order 13338 (May 13, 2004) or under section 1 of Executive Order 13438 (July 17, 2007);

(v) the Syrian Social Nationalist Party;

(vi) any other person or organization contributing to instability in Lebanon or Iraq; and

(vii) any agency, instrumentality, affiliate, or successor organization of the organizations listed in subparagraph (A), (B), (C), (D), (E), or (F);

(C) has immediately and unconditionally stopped facilitating transit from Syria to Iraq of individuals, military equipment, and all lethal items, except as authorized by the representa-

1 tive, internationally recognized Government of
2 Iraq; and
3 (D) has ceased its support for "volunteers"
4 and terrorists who are traveling from and
5 through Syria into Iraq to launch attacks;
6 (2) has not provided such support during the
7 preceding 5-year period and has not been deter-
8 mined by the Secretary of State, for the purposes of
9 section 6(j) of the Export Administration Act of
10 1979, section 620A of the Foreign Assistance Act of
11 1961, section 40 of the Arms Export Control Act,
12 or any other provision of law, to be a government
13 that has repeatedly provided support for acts of
14 international terrorism at any time during such 5-
15 year period;
16 (3)(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 (4) does not pose a threat to United States na-
6 tional security, United States interests, and United
7 States allies in the region;
8 (5) respects the boundaries, sovereignty, and
9 right to exist of all neighboring countries;
10 (6) upholds and defends the human rights and
11 civil liberties of its people;
12 (7) has legalized all political activity;
13 (8) has made public commitments to organizing
14 free and fair elections for a new government, to be
15 held in a timely manner, and with the participation
16 of multiple independent political parties that have
17 full access to the media on an equal basis, including
18 (in the case of radio, television, or other tele-
19 communications media) in terms of allotments of
20 time for such access and the times of day such allot-
21 ments are given, and to be conducted under the su-
22 pervision of internationally recognized observers; and
23 (9) has made public commitments to and is
24 making demonstrable progress in—

1 (A) establishing an independent judiciary;
2 and
3 (B) respecting internationally recognized
4 human rights and basic freedoms as recognized
5 in the Universal Declaration of Human Rights.

6 **SEC. 209. DURATION OF SANCTIONS.**

7 (a) DELAY OF SANCTIONS.—
8 (1) CONSULTATIONS.—If the President makes a
9 determination described in section 205 with respect
10 to a foreign person, the Congress urges the Presi-
11 dent to initiate consultations immediately with the
12 government with primary jurisdiction over that for-
13 eign person with respect to the imposition of sanc-
14 tions under this Act.
15 (2) ACTIONS BY GOVERNMENT OF JURISDIC-
16 TION.—In order to pursue consultations under para-
17 graph (1) with the government concerned, the Presi-
18 dent may delay imposition of sanctions under this
19 Act for up to 90 days. Following such consultations,
20 the President shall immediately impose sanctions un-
21 less the President determines and certifies to Con-
22 gress that the government has taken specific and ef-
23 fective actions, including, as appropriate, the imposi-
24 tion of appropriate penalties, to terminate the in-
25 volvement of the foreign person in the activities that

1 resulted in the determination by the President under
2 section 205 concerning such person.
3 (3) ADDITIONAL DELAY IN IMPOSITION OF
4 SANCTIONS.—The President may delay the imposi-
5 tion of sanctions for up to an additional 90 days if
6 the President determines and certifies to Congress
7 that the government with primary jurisdiction over
8 the person concerned is in the process of taking the
9 actions described in paragraph (2).
10 (4) REPORT TO CONGRESS.—Not later than 90
11 days after making a determination under section
12 205, the President shall submit to the appropriate
13 congressional committees a report on the status of
14 consultations with the appropriate foreign govern-
15 ment under this subsection, and the basis for any
16 determination under paragraph (3).
17 (b) DURATION OF SANCTIONS.—A sanction imposed
18 under section 205 shall remain in effect—
19 (1) for a period of not less than 2 years from
20 the date on which it is imposed; or
21 (2) until such time as the President determines
22 and certifies to Congress that the person whose ac-
23 tivities were the basis for imposing the sanction is
24 no longer engaging in such activities and that the
25 President has received reliable assurances that such

person will not knowingly engage in such activities in the future, except that such sanction shall remain in effect for a period of at least 1 year.

SEC. 210. REPORTS REQUIRED.

(a) REPORT ON CERTAIN INTERNATIONAL INITIATIVES.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the President shall transmit a report to the appropriate congressional committees describing—

(1) the efforts of the President to mount a multilateral campaign to persuade all countries to pressure Syria to cease its nuclear, chemical, biological, and missile weapons programs and its support of acts of international terrorism;

(2) the efforts of the President to persuade other governments to ask Syria to reduce the presence of Syrian diplomats and representatives of other government and military or quasi-governmental institutions of Syria;

(3) the extent to which the International Atomic Energy Agency has established regular inspections of all nuclear facilities in Syria, including those presently under construction; and

(4) Syria's use of Syrian diplomats and representatives of other government and military or

1 quasi-governmental institutions of Syria to promote
2 acts of international terrorism or to develop or sus-
3 tain Syria's nuclear, chemical, biological, and missile
4 weapons programs.

5 (b) REPORT ON EFFECTIVENESS OF ACTIONS
6 UNDER THIS ACT.—Not earlier than 24 months, and not
7 later than 30 months, after the date of the enactment this
8 Act, and annually thereafter, the President shall transmit
9 to Congress a report that describes—

10 (1) the extent to which actions relating to trade
11 taken pursuant to this Act—

12 (A) have been effective in achieving the ob-
13 jectives of section 203 and any other foreign
14 policy or national security objectives of the
15 United States with respect to Syria; and

16 (B) have affected humanitarian interests
17 in Syria, the country in which the sanctioned
18 person is located, or in other countries; and

19 (2) the impact of actions relating to trade taken
20 pursuant to this Act on other national security, eco-
21 nomic, and foreign policy interests of the United
22 States, including relations with countries friendly to
23 the United States, and on the United States econ-
24 omy.

1 The President may include in the report the President's
2 recommendation on whether or not this Act should be ter-
3 minated or modified.

4 (c) OTHER REPORTS.—The President shall ensure
5 the continued transmittal to Congress of reports describ-
6 ing—

7 (1) the nuclear and other military capabilities
8 of Syria, as required by section 601(a) of the Nu-
9 clear NonProliferation Act of 1978 and section 1607
10 of the National Defense Authorization Act for Fiscal
11 Year 1993; and

12 (2) the support provided by Syria for acts of
13 international terrorism, as part of the Department
14 of State's annual report on international terrorism.

15 (d) REPORTS ON GLOBAL TRADE RELATING TO
16 SYRIA.—Not later than 90 days after the date of the en-
17 actment of this Act, and annually thereafter, the President
18 shall transmit to the appropriate congressional committees
19 a report, with respect to the most recent 12-month period
20 for which data are available, on the dollar value amount
21 of trade, including in the energy sector, between Syria and
22 each country maintaining membership in the Group of 20
23 Finance Ministers and Central Bank Governors.

1 **SEC. 211. DETERMINATIONS NOT REVIEWABLE.**

2 A determination to impose sanctions under this Act
3 shall not be reviewable in any court.

4 **SEC. 212. EXCLUSION OF CERTAIN ACTIVITIES.**

5 Nothing in this Act shall apply to any activities sub-
6 ject to the reporting requirements of title V of the Na-
7 tional Security Act of 1947.

8 **SEC. 213. EFFECTIVE DATE.**

9 This title shall take effect on the date of the enact-
10 ment of this Act.

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 the al-Kibar site (but denied them access
26 to three other sites), where they took environmental

samples on June 23, 2008. After the visit, Syria suspended cooperation with the IAEA, which later revealed that soil samples taken from the al-Kibar site revealed "a significant number of natural uranium particles" that were produced by human action rather than being already present in the environment.

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

(4) The Director-General of the IAEA reported to the IAEA Board of Governors on May 24, 2011, that "[the IAEA] assesses that it is very likely that the building destroyed at the [al-Kibar] site was a nuclear reactor".

(5) Syria's safeguards agreement with the IAEA requires notification to the agency in advance of construction of any nuclear facility, regardless of the presence of nuclear material, and, as a result, Syria's construction of a reactor violated its IAEA obligations.

1 **SEC. 302. ACTIONS WITHIN THE INTERNATIONAL ATOMIC**
2 **ENERGY AGENCY.**

3 (a) STATEMENT OF POLICY.—It shall be the policy
4 of the United States to oppose the development or acquisi-
5 tion by Syria of a nuclear capability.

6 (b) UNITED STATES ACTIONS.—The President shall
7 instruct the United States Permanent Representative to
8 the International Atomic Energy Agency to—

9 (1) seek the adoption of a resolution declaring
10 Syria to be in violation of its IAEA obligations un-
11 less Syria immediately—

12 (A) declares all nuclear-related facilities;

13 (B) immediately and unconditionally sus-
14 pends any activity which could be used to de-
15 velop nuclear-weapons capability; and

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

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

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

1 (B) block the allocation of funds for any
2 IAEA development, environmental, or nuclear
3 science assistance or activity to Syria;
4 (C) block the allocation of funds for IAEA
5 development, environmental, or nuclear-related
6 assistance or activity to the Government of
7 Syria, including any agency or instrumentality
8 thereof; and
9 (D) block membership of the Government
10 of Syria on the Board of Governors of the
11 IAEA; and
12 (3) shall withhold from United States contribu-
13 tions to the IAEA an amount equal to that which
14 the IAEA expends on assistance to Syria.

15 **SEC. 303. RESTRICTIONS ON NUCLEAR COOPERATION WITH**
16 **COUNTRIES ASSISTING THE NUCLEAR PRO-**
17 **GRAM OF SYRIA.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law or any international agreement, no agreement
20 for cooperation between the United States and the govern-
21 ment of any country that is assisting the nuclear program
22 of Syria or transferring advanced conventional weapons or
23 missiles to Syria may be submitted to Congress pursuant
24 to section 123 of the Atomic Energy Act of 1954 (42
25 U.S.C. 2153), no such agreement may enter into force

1 with such country, no license may be issued for export di-
2 rectly or indirectly to such country of any nuclear mate-
3 rial, facilities, components, or other goods, services, or
4 technology that would be subject to such agreement, and
5 no approval may be given for the transfer or retransfer
6 directly or indirectly to such country of any nuclear mate-
7 rial, facilities, components, or other goods, services, or
8 technology that would be subject to such agreement, until
9 the President determines and reports to the Committee
10 on Foreign Affairs of the House of Representatives and
11 the Committee on Foreign Relations of the Senate that
12 the government of such country that is assisting the nu-
13 clear program of Syria or transferring advanced conven-
14 tional weapons or missiles to Syria—
15 (1) has suspended all nuclear assistance to
16 Syria or suspended transferring advanced conven-
17 tional weapons or missiles to Syria (as the case may
18 be); and
19 (2) is committed to maintaining such suspen-
20 sion.
21 (b) RULES OF CONSTRUCTION.—The restrictions de-
22 scribed in subsection (a)—
23 (1) shall apply in addition to all other applica-
24 ble procedures, requirements, and restrictions re-

1 quired by the Atomic Energy Act of 1954 and any
2 other law; and
3 (2) shall not be construed as affecting the valid-
4 ity of agreements for cooperation that are in effect
5 on the date of the enactment of this Act.
6 (c) DEFINITIONS.—In this section:
7 (1) AGREEMENT FOR COOPERATION.—The term
8 "agreement for cooperation" has the meaning given
9 such term in section 11 b. of the Atomic Energy Act
10 of 1954 (42 U.S.C. 2014 b.).
11 (2) ASSISTING THE NUCLEAR PROGRAM OF
12 SYRIA.—The term "assisting the nuclear program of
13 Syria" means the intentional transfer to Syria by a
14 government, or by a person subject to the jurisdic-
15 tion of a government with the knowledge and acqui-
16 escence of such government, of goods, services, or
17 technology listed on the Nuclear Suppliers Group
18 Guidelines for the Export of Nuclear Material,
19 Equipment and Technology (published by the Inter-
20 national Atomic Energy Agency as Information Cir-
21 cular INFCIRC/254/Rev. 3/Part 1, and subsequent
22 revisions) or Guidelines for Transfers of Nuclear-Re-
23 lated Dual-Use Equipment, Material, and Related
24 Technology (published by the International Atomic

1 Energy Agency as Information Circular INFCIR/
2 254/Rev. 3/Part 2, and subsequent revisions).
3 (3) COUNTRY THAT IS ASSISTING THE NU-
4 CLEAR PROGRAM OF SYRIA OR TRANSFERRING AD-
5 VANCED CONVENTIONAL WEAPONS OR MISSILES TO
6 SYRIA.—The term "country that is assisting the nu-
7 clear program of Syria or transferring advanced con-
8 ventional weapons or missiles to Syria" means any
9 country determined by the President to be assisting
10 the nuclear program of Syria or transferring ad-
11 vanced conventional weapons or missiles to Syria.
12 (d) WAIVER.—The President may waive the applica-
13 tion of the sanctions described in subsection (a) if the
14 President—
15 (1) determines that such a waiver is vital to the
16 national security of the United States; and
17 (2) submits to the appropriate congressional
18 committees a report describing the reasons for such
19 determination.

20 **SEC. 304. EXCLUSION FROM THE UNITED STATES OF SEN-**
21 **IOR OFFICIALS OF FOREIGN PERSONS WHO**
22 **HAVE AIDED THE NUCLEAR PROGRAM OF**
23 **SYRIA.**

24 (a) GROUNDS FOR EXCLUSION.—Except as provided
25 in subsection (b), the Secretary of State shall deny a visa

1 to, and the Secretary of Homeland Security shall exclude
2 from the United States, any alien whom the Secretary of
3 State determines is an alien who, on or after the date of
4 the enactment of this Act, is a—

5 (1) person, agent, instrumentality, or official of,
6 is affiliated with, or is serving as a representative of,
7 the Government of Syria identified in a report sub-
8 mitted pursuant to section 2(a) of the Iran, North
9 Korea, and Syria Nonproliferation Act (Public Law
10 106–178);

11 (2) corporate officer, principal, or shareholder
12 with a controlling interest of a foreign person identi-
13 fied in such a report;

14 (3) corporate officer, principal, or shareholder
15 with a controlling interest of a successor entity to,
16 or a parent or subsidiary of, a foreign person identi-
17 fied in such a report;

18 (4) corporate officer, principal, or shareholder
19 with a controlling interest of an affiliate of a foreign
20 person identified in such a report, if such affiliate
21 engaged in the activities referred to in such report,
22 and if such affiliate is controlled in fact by the for-
23 eign person identified in such report;

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

1 (6) senior official of a foreign government iden-
2 tified in such a report;
3 (7) senior official of a foreign government with
4 primary jurisdiction over a foreign person identified
5 in such a report; or
6 (8) spouse, minor child, or agent of a person
7 excludable under paragraph (6) or (7).
8 (b) EXCEPTION.—The President may waive the sanc-
9 tions described in subsection (a) with respect to a person
10 specified in paragraph (5), (6), or (7) of such subsection
11 if the President determines and certifies in writing to the
12 appropriate congressional committees, on a case by case
13 basis, that the foreign government with primary jurisdic-
14 tion over such person has made and continues to make
15 clear, specific efforts to stop and deter the transfer or re-
16 transfer of, or the permitting, hosting, or other facilitating
17 of transshipments that may enable the transfer or re-
18 transfer of, goods or technology that contribute to the ef-
19 forts by Syria, as the case may be, to acquire or develop
20 advanced conventional weapons, or to acquire, develop,
21 produce, or stockpile radiological or nuclear weapons.
22 (c) DEFINITIONS.—In subsection (b):
23 (1) TRANSFER.—The term "transfer" means
24 the conveyance of technological or intellectual prop-
25 erty, or the conversion of intellectual or technological

advances into marketable goods, services, or articles of value, developed and generated in one place, to another through illegal or illicit means to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), is a government that has repeatedly provided support for acts of international terrorism.

(2) TRANSSHIPMENT.—The term "transshipment" means the export from one country to another that passes through a third country, in which cargo is off-loaded and there is some change to conveyance.

TITLE IV—DIPLOMATIC EFFORTS TO ISOLATE THE GOVERNMENT OF SYRIA

SEC. 401. SENSE OF CONGRESS RELATING TO BILATERAL EFFORTS.

It is the sense of Congress that the Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign offi-

1 cials, are communicating the reasons for United States
2 policy and sanctions against the Government of Syria, and
3 are urging foreign governments to cooperate more effec-
4 tively with the Government of the United States in com-
5 pelling the Government of Syria to cease policies and ac-
6 tivities that threaten global peace and security.

7 **SEC. 402. OPPOSITION TO SYRIA'S MEMBERSHIP AND CAN-**
8 **DIDACY FOR LEADERSHIP POSTS IN UNITED**
9 **NATIONS INSTITUTIONS.**

10 The President shall direct the United States Perma-
11 nent Representative to the United Nations, United Na-
12 tions organizations and entities, and United Nations-affili-
13 ated agencies and bodies, to continue to use the voice,
14 vote, and influence of the United States to oppose Syria's
15 membership and candidacy for leadership posts in such
16 institutions, and engage in diplomatic efforts to secure
17 multilateral support for such efforts.

18 **SEC. 403. REPORT ON ASSISTANCE TO, AND COMMERCE**
19 **WITH, SYRIA.**

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

1 (b) CONTENTS.—Each report required under sub-
2 section (a) shall, for the period covered by the report, con-
3 tain the following information, to the extent such informa-
4 tion is available:
5 (1) A description of all bilateral assistance pro-
6 vided to Syria by other foreign countries, including
7 humanitarian assistance.
8 (2) A description of Syria's commerce with
9 other foreign countries, including an identification of
10 Syria's trading partners and the extent of such
11 trade.
12 (3) A description of the joint ventures com-
13 pleted, or under consideration, by foreign nationals,
14 business firms, and persons involving facilities in
15 Syria, including an identification of the location of
16 the facilities involved and a description of the terms
17 of agreement of the joint ventures and the names of
18 the parties that are involved.
19 (4) A determination of the amount of debt of
20 the Government of Syria that is owed to each for-
21 eign country, including—
22 (A) the amount of debt exchanged, for-
23 given, or reduced under the terms of each in-
24 vestment or operation in Syria involving foreign
25 nationals; and

1 (B) the amount of debt owed to the foreign
2 country that has been exchanged, forgiven, or
3 reduced in return for a grant by the Govern-
4 ment of Syria of an equity interest in a prop-
5 erty, investment, or operation of the Govern-
6 ment of Syria or of a Syrian national.
7 (5) A description of the steps taken to assure
8 that raw materials and semifinished or finished
9 goods produced by facilities in Syria involving for-
10 eign nationals do not enter the United States mar-
11 ket, either directly or through third countries or par-
12 ties.
13 (6) An identification of countries and entities
14 that provide, or have provided, arms or military sup-
15 plies from Syria or that otherwise have entered into
16 agreements with Syria that could have a military ap-
17 plication, including—
18 (A) a description of the military supplies,
19 equipment, or other material sold, bartered, or
20 exchanged between Syria and such countries;
21 (B) a listing of the goods, services, credits,
22 or other consideration received by Syria in ex-
23 change for military supplies, equipment, or ma-
24 terial; and

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

(c) FORM.—The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

TITLE V—ASSISTANCE TO SUPPORT DEMOCRACY IN SYRIA

SEC. 501. DECLARATIONS OF POLICY.

It shall be the policy of the United States to—

(1) support independent human rights and pro-democracy forces in Syria to promote the emergence of a democratic government in Syria that will—

(A) denounce and combat extremism;

(B) verifiably dismantle its chemical, biological, radiological, and nuclear weapons programs and commit to combating the proliferation of such weapons;

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

(D) uphold and defend the human rights and civil liberties of its citizens;

(2) seek the adoption of a resolution by the Community of Democracies to promote the emergence of a democratic government in Syria; and

(3) seek the establishment of a consultative group between the United States and the European Union to promote the emergence of a democratic government in Syria.

SEC. 502. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN SYRIA.

(a) AUTHORIZATION.—The President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Syria. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Syria.

(b) ELIGIBILITY FOR ASSISTANCE.—Financial and political assistance under this section may be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) at any time during the preceding 4 years;

1 (2) advocates the adherence by Syria to non-
2 proliferation regimes for nuclear, chemical, and bio-
3 logical weapons and materiel;
4 (3) is dedicated to democratic values and sup-
5 ports the adoption of a democratic form of Govern-
6 ment in Syria;
7 (4) is dedicated to respect for human rights, in-
8 cluding the fundamental equality of women;
9 (5) works to establish equality of opportunity
10 for people; and
11 (6) supports freedom of the press, freedom of
12 speech, freedom of association, and freedom of reli-
13 gion.
14 (c) FUNDING.—The President shall only provide as-
15 sistance to democracy promotion in Syria section using—
16 (1) funds available to the Middle East Partner-
17 ship Initiative (MEPI), the Broader Middle East
18 and North Africa Initiative, and the Human Rights
19 and Democracy Fund; and
20 (2) amounts made available pursuant to the au-
21 thorization of appropriations under subsection (f).
22 (d) NOTIFICATION.—Not later than 15 days before
23 each obligation of assistance under this section, and in ac-
24 cordance with the procedures under section 634A of the
25 Foreign Assistance Act of 1961 (22 U.S.C. 2394–l), the

President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Such notification shall include, as practicable, the types of programs supported by such assistance and the recipients of such assistance.

(e) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Syria that meet the criteria under subsection (b);

(2) support for a transition to democracy in Syria should be expressed by United States representatives and officials in all appropriate international fora;

(3) efforts to bring a halt to the nuclear weapons program of Syria, including steps to end the supply of nuclear, chemical or biological components, including short and intermediate-range missiles, and ballistic missile components or fuel to Syria, should be intensified; and

(4) officials and representatives of the United States should—

1 (A) strongly and unequivocally support in-
2 digenous efforts in Syria calling for free, trans-
3 parent, and democratic elections; and
4 (B) draw international attention to viola-
5 tions by the Government of Syria of human
6 rights, freedom of religion, freedom of assem-
7 bly, and freedom of the press.
8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Department of State
10 such sums as may be necessary to carry out this section.
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 appropriate inter-
18 national fora;
19 (2) to introduce and work toward the adoption
20 of resolutions at appropriate United Nations fora
21 which detail and condemn the dismal human rights
22 record of Syria;
23 (3) to support the people of Syria in their daily
24 struggle for freedom, respect for human rights and

civil liberties, democratic self-governance, and the establishment of the rule of law; and

(4) to reach out to dissidents, human rights activists, and the nonviolent democratic opposition in Syria, and to assist them in their efforts.

(b) ACTIONS AT APPROPRIATE UNITED NATIONS FORA.—The President shall direct the United States Permanent Representative to the United Nations to take the necessary steps to secure support for the adoption of resolutions at appropriate United Nations fora holding the Government of Syria accountable for its systematic violations of human rights of Syrian and Lebanese citizens and calling for the appointment of a United Nations Special Rapporteur to investigate such human rights violations.

SEC. 504. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

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

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

(1) LIST.—

1 (A) IN GENERAL.—Not later than 90 days
2 after the date of the enactment of this Act, the
3 President shall transmit to the appropriate con-
4 gressional committees a list of persons who are
5 officials of the Government of Syria, including
6 the President, Members of the Cabinet, Mem-
7 bers of the Ministry of Defense, Members of the
8 Ministry of the Interior, Members of the Gen-
9 eral Intelligence Directorate, Members of the
10 Political Security Directorate, or any Member
11 of the Syrian military or associated entities
12 with the rank of brigadier general or above or
13 the equivalent rank thereof, including members
14 of paramilitary organizations, or persons acting
15 on behalf of the Government of Syria.
16 (B) CERTIFICATION.—The President shall
17 impose on the persons specified in the list
18 under subparagraph (A) the sanctions described
19 in subsection (c). The President shall exempt
20 any such person from such imposition if the
21 President determines and certifies to the appro-
22 priate congressional committees that such per-
23 son, based on credible evidence, is not respon-
24 sible for or complicit in, or responsible for or-
25 dering, controlling, or otherwise directing, the

1 commission of serious human rights abuses
2 against citizens of Syria or their family mem-
3 bers, regardless of whether such abuses oc-
4 curred in Syria.
5 (2) FORM; PUBLIC AVAILABILITY.—
6 (A) FORM.—The list required by para-
7 graph (1) shall be submitted in unclassified
8 form but may contain a classified annex.
9 (B) PUBLIC AVAILABILITY.—The unclassi-
10 fied portion of the list required by paragraph
11 (1) shall be made available to the public and
12 posted on the Web site of the Department of
13 the Treasury and the Department of State.
14 (3) CONSIDERATION OF DATA FROM OTHER
15 COUNTRIES AND NONGOVERNMENTAL ORGANIZA-
16 TIONS.—In preparing the list required by paragraph
17 (1), the President shall consider credible data al-
18 ready obtained by other countries and nongovern-
19 mental organizations, including organizations in
20 Syria, that monitor the human rights abuses of the
21 Government of Syria.
22 (c) SANCTIONS DESCRIBED.—The sanctions de-
23 scribed in this subsection are ineligibility for a visa to
24 enter the United States and sanctions pursuant to the
25 International Emergency Economic Powers Act (50

1 U.S.C. 1701 et seq.), including blocking of property and
2 restrictions or prohibitions on financial transactions and
3 the exportation and importation of property, subject to
4 such regulations as the President may prescribe, including
5 regulatory exceptions to permit the United States to com-
6 ply with the Agreement between the United Nations and
7 the United States of America regarding the Headquarters
8 of the United Nations, signed June 26, 1947, and entered
9 into force November 21, 1947, and other applicable inter-
10 national obligations.

11 (d) TERMINATION OF SANCTIONS.—The provisions of
12 this section shall terminate on the date on which the Presi-
13 dent determines and certifies to the appropriate congres-
14 sional committees that the Government of Syria has—

15 (1) unconditionally released all political pris-
16 oners;

17 (2) ceased its practices of violence, unlawful de-
18 tention, torture, and abuse of citizens of Syria while
19 engaging in peaceful political activity;

20 (3) conducted a transparent investigation into
21 the practices described in paragraph (2) and pros-
22 ecuted the individuals responsible for such violence,
23 unlawful detention, torture, and abuse; and

24 (4) made public commitments to, and is making
25 demonstrable progress toward—

(A) establishing an independent judiciary; and

(B) respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

SEC. 505. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT MAY BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) INVESTIGATIONS; DETERMINATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), upon receiving credible information that a person may have engaged in an activity described in paragraph (2), the President shall initiate an investigation and, not later than 180 days after initiating the investigation, make a determination with respect to whether that person engaged in that activity.

(2) ACTIVITY DESCRIBED.—

(A) IN GENERAL.—A person engages in an activity described in this subparagraph if the person, on or after the date of the enactment of this Act—

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

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

(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether or not the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), accessories for firearms, rubber bullets, clubs, batons, police sticks, mace, stun grenades, tasers or other electroshock weapons, tear gas, water cannons, motorcycles, cranes, or surveillance technology;

(ii) sensitive technology; and

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

(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to initiate an investigation, and may terminate an investigation, under this subsection if the President certifies in writing to the appropriate congressional committees that—

(A) the person whose activity was the basis for the investigation is no longer engaging in the activity or has taken significant verifiable steps toward stopping the activity; and

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

(b) LIST.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a list of each person the President determines has engaged in an activity described in subsection (a)(2)—

1 (A) not later than 210 days after the date
2 of the enactment of this Act, and every 180
3 days thereafter; and
4 (B) as new information becomes available.
5 (2) FORM OF LIST.—The list required by para-
6 graph (1) shall be submitted in unclassified form but
7 may contain a classified annex.
8 (c) ASSET FREEZE.—The President shall freeze and
9 prohibit all transactions in all property and interests in
10 property of a person on the list required by subsection (b)
11 if such property and interests in property are in the
12 United States, come within the United States, or are or
13 come within the possession or control of a United States
14 person.

15 **SEC. 506. COMPREHENSIVE STRATEGY TO PROMOTE**
16 **INTERNET FREEDOM AND ACCESS TO INFOR-**
17 **MATION IN SYRIA.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, and annually thereafter, the Secretary
20 of State shall submit to the Committees on Foreign Af-
21 fairs and Appropriations of the House of Representatives
22 and the Committees on Foreign Relations and Appropria-
23 tions of the Senate a comprehensive strategy to—

1 (1) help the people of Syria produce, access,
2 and share information freely and safely via the
3 Internet;
4 (2) support the development of counter-censor-
5 ship technologies that enable the citizens of Syria to
6 undertake Internet activities without interference
7 from their government;
8 (3) increase the capabilities and availability of
9 secure mobile communications among human rights
10 and democracy activists in Syria;
11 (4) provide resources for digital safety training
12 for media, unions, and academic and civil society or-
13 ganizations in Syria;
14 (5) increase the amount of accurate Internet
15 content in local languages in Syria;
16 (6) increase emergency resources for the most
17 vulnerable human rights advocates seeking to orga-
18 nize, share information, and support human rights
19 in Syria;
20 (7) expand surrogate radio, television, live
21 stream, and social network communications inside
22 Syria;
23 (8) expand activities to safely assist and train
24 human rights, civil society, and union activists in
25 Syria to operate effectively and securely;

(9) defeat all attempts by the Government of Syria to jam or otherwise deny international satellite broadcasting signals; and

(10) expand worldwide United States embassy and consulate programming for and outreach to Syrian dissident communities.

TITLE VI—GENERAL PROVISIONS

SEC. 601. DENIAL OF VISAS FOR GOVERNMENT OF SYRIA.

(a) IN GENERAL.—The Secretary of State may not issue a visa to a person of a country designated as supporting acts of international terrorism pursuant to section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), if the Secretary determines that such national—

(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the government of Syria;

(2) provides material support to the policies of the Governments of Syria; or

1 (3) presents a threat to the United States or
2 who has committed, ordered, assisted, or otherwise
3 participated in the terrorist acts, or directly or indi-
4 rectly affiliated with terrorist organizations.
5 (b) WAIVER.—The Secretary of State may, on a case-
6 by-case basis, waive the prohibition in subsection (a) if the
7 Secretary certifies to the appropriate congressional com-
8 mittees that it is vital to the national security interests
9 of the United States to do so, and provides the appropriate
10 congressional committees with a detailed justification for
11 that certification.
12 (c) RESTRICTIONS.—The Secretary of State shall re-
13 strict diplomats in Washington, DC, and at the United
14 Nations in New York City, to travel only within a 25-mile
15 radius of Washington, DC, or the United Nations head-
16 quarters building, respectively, of any person who is an
17 agent, instrumentality, or official of, is affiliated with, or
18 is serving as a representative of the Government of Syria.
19 **SEC. 602. SUNSET.**
20 (a) SUNSET.—The provisions of this Act shall termi-
21 nate, and shall cease to be effective, on the date that is
22 30 days after the date on which the President certifies
23 to Congress that the Government of Syria—
24 (1) has ceased all support for terrorism, includ-
25 ing that the Government of Syria—

(A) is not engaged in the illegal transfer of missile or nuclear technology to the Government of North Korea or to any country the government of which the Secretary of State has determined, for purposes of any of the provisions of law specified in the matter preceding this paragraph, is a government that has repeatedly provided support for acts of international terrorism;

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

(i) Hamas, Hezbollah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, the Democratic Front for the Liberation of Palestine, Fatah al-Intifada, or Fatah al-Islam;

(ii) any other organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(iii) any person included on the Annex to Executive Order 13224 (September 23, 2001) and any other person identified under section 1 of that Executive Order whose property and interests in property are blocked by such section (commonly known as a "specially designated global terrorist");

(iv) any person designated under section 3 of Executive Order 13338 (May 13, 2004) or under section 1 of Executive Order 13438 (July 17, 2007);

(v) the Syrian Social Nationalist Party;

(vi) any other person or organization contributing to instability in Lebanon or Iraq; or

(vii) any agency, instrumentality, affiliate, or successor organization of the organizations listed in subparagraph (A), (B), (C), (D), (E), or (F).

(C) has immediately and unconditionally stopped facilitating transit from Syria to Iraq of individuals, military equipment, and all lethal items, except as authorized by the representa-

1 tive, internationally recognized Government of
2 Iraq; and
3 (D) has ceased its support for "volunteers"
4 and terrorists who are traveling from and
5 through Syria into Iraq to launch attacks;
6 (2) has not provided such support during the
7 preceding 5-year period and has not been deter-
8 mined by the Secretary of State, for the purposes of
9 section 6(j) of the Export Administration Act of
10 1979, section 620A of the Foreign Assistance Act of
11 1961, section 40 of the Arms Export Control Act,
12 or any other provision of law, to be a government
13 that has repeatedly provided support for acts of
14 international terrorism at any time during such 5-
15 year period;
16 (3)(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 (4) does not pose a threat to United States na-
6 tional security, United States interests, and United
7 States allies in the region;
8 (5) respects the boundaries, sovereignty, and
9 right to exist of all neighboring countries;
10 (6) upholds and defends the human rights and
11 civil liberties of its people;
12 (7) has legalized all political activity;
13 (8) has made public commitments to organizing
14 free and fair elections for a new government, to be
15 held in a timely manner, and with the participation
16 of multiple independent political parties that have
17 full access to the media on an equal basis, including
18 (in the case of radio, television, or other tele-
19 communications media) in terms of allotments of
20 time for such access and the times of day such allot-
21 ments are given, and to be conducted under the su-
22 pervision of internationally recognized observers; and
23 (9) has made public commitments to and is
24 making demonstrable progress in—

1 (A) establishing an independent judiciary;
2 and
3 (B) respecting internationally recognized
4 human rights and basic freedoms as recognized
5 in the Universal Declaration of Human Rights.

○

Chairman ROS-LEHTINEN. Without objection, the amendment in the nature of a substitute that was sent to your offices on Monday and that all members have in front of them will be considered base text for purposes of markup, is considered read, and is open for amendment at any point. Also, as your offices were notified last night, in order to save everyone from having to hear double statements from me, I will call up the bipartisan manager's amendment before we proceed to the opening statements.

[The amendments of Ms. Ros-Lehtinen follow:]

[Discussion Draft]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2106

OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Strike all after the enacting clause and insert the following:

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Syria Freedom Support Act".

4 (b) TABLE OF CONTENTS.—The table of contents of
5 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. Findings.
Sec. 102. Statement of policy objectives.
Sec. 103. Codification of existing sanctions and continuation of restrictions against the Government of Syria.
Sec. 104. Mandatory sanctions with respect to development of weapons of mass destruction or other military capabilities.
Sec. 105. Suspension of sanctions against Syria.

TITLE II—SANCTIONS TARGETING SYRIA'S ENERGY SECTOR

Sec. 201. Findings.
Sec. 202. Sense of Congress.
Sec. 203. Declaration of policy.
Sec. 204. Multilateral regime.
Sec. 205. Imposition of sanctions.
Sec. 206. Description of sanctions.
Sec. 207. Advisory opinions.
Sec. 208. Termination of sanctions.
Sec. 209. Duration of sanctions.
Sec. 210. Determinations not reviewable.

TITLE III—SYRIA NUCLEAR WEAPONS PREVENTION

Sec. 301. Findings.
Sec. 302. Actions within the International Atomic Energy Agency.
Sec. 303. 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. Opposition to Syria's membership and candidacy for leadership posts in United Nations institutions.
Sec. 402. Report on assistance to, and commerce with Syria.

TITLE V—SUPPORT FOR DEMOCRACY IN SYRIA

Sec. 501. Declarations of policy.
Sec. 502. Assistance to support a transition to democracy in Syria.
Sec. 503. Comprehensive strategy to promote democracy in Syria.
Sec. 504. Condemnation of Syrian human rights abuses.
Sec. 505. Imposition of sanctions on certain persons responsible for or complicit in human rights abuses committed against citizens of Syria and their family members.
Sec. 506. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that may be used to commit human rights abuses.
Sec. 507. Imposition of sanctions with respect to persons who engage in censorship in Syria.
Sec. 508. Prohibition on procurement contracts with persons that export sensitive technology to Syria and their affiliates.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Denial of visas for Government of Syria.
Sec. 602. Exclusion of certain activities.
Sec. 603. Regulatory authority.
Sec. 604. Sunset.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ACT OF INTERNATIONAL TERRORISM.—The
4 term "act of international terrorism" means an
5 act—

6 (A) that is violent or dangerous to human
7 life and that is a violation of the criminal laws
8 of the United States or of any State or that
9 would be a criminal violation if committed with-

in the jurisdiction of the United States or any State; and

(B) that appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

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

(4) DEVELOP; DEVELOPMENT.—To "develop", or the "development" of, petroleum resources means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

(5) FINANCIAL INSTITUTION.—The term "financial institution" includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter; and

(E) any other company that provides financial services, including joint ventures, partnerships, or investments with Syrian Government-controlled or -affiliated entities.

(6) FINISHED PRODUCT.—The term "finished product" has the meaning given that term in section 11A(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2); as continued in effect pursuant to the International Emergency Economic

Powers Act) and includes any petroleum resources or refined petroleum product.

(7) FOREIGN PERSON.—The term "foreign person" means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, joint venture, cooperative venture, or other nongovernmental entity that is not a United States person.

(8) GOOD; TECHNOLOGY.—The terms "good" and "technology" have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415; as continued in effect pursuant to the International Emergency Economic Powers Act).

(9) INVESTMENT.—The term "investment" means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Syria or a nongovernmental entity in Syria on or after the date of the enactment of this Act:

(A) The entry into a contract that includes responsibility for the development of petroleum resources located in Syria, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

(B) The purchase of a share of ownership, including an equity interest, in the development described in subparagraph (A).

(C) The entry into a contract providing for the participation in royalties, earnings, or profits in the development described in subparagraph (A), without regard to the form of such participation.

The term "investment" includes the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology. For purposes of this paragraph, an amendment or other modification that is made, on or after the date of enactment of this Act, to an agreement or contract shall be treated as the entry of an agreement or contract.

(10) SYRIA.—The term "Syria" includes any agency or instrumentality of the Government of Syria, including any entity affiliated with or controlled by the Government of Syria.

(11) SYRIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF SYRIA.—The term "Syrian diplomats and representatives of other government and military or quasi-governmental institutions of Syria" includes employees, representatives, affiliates, agents, instrumentalities, or persons of the Government of Syria.

(12) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of such conduct, circumstance, or result.

(13) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material (as defined in section 11 aa. of the Atomic Energy Act of 1954) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(14) PERSON.—The term "person" means—

(A) a natural person;

(B) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, a sole proprietorship, organization, association, corporation, partnership, limited liability company, venture, joint venture, or other entity, its subsidiary, or affiliate;

(C) an entity owned or controlled by the government of a foreign country, that is established or organized under the laws of, or has its principal place of business in, such foreign country, including a United States subsidiary of the same;

(D) any individual or entity that controls, is controlled by, or is under common control with, the entity referred to in subparagraph (C), including without limitation subsidiaries of such entity; and

(E) any successor to any entity described in subparagraph (B).

(15) PETROLEUM RESOURCES.—The term "petroleum resources" includes petroleum and natural

gas resources petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

(16) REFINED PETROLEUM PRODUCTS.—The term "refined petroleum products" means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.

(17) UNITED STATES; STATE.—The term "United States" or "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(18) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity that is organized under the laws of the United States or any State if a natural person described in subparagraph (A) owns more than 50

percent of the outstanding capital stock or other beneficial interest in such corporation or legal entity.

(19) UNITED STATES ASSISTANCE.—The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;

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

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

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

(20) ADMITTED; ALIEN.—The terms "admitted" and "alien" have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE I—STRENGTHENING UNITED STATES SANCTIONS AGAINST SYRIA

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) On April 29, 2011, the President transmitted to Congress a message continuing the national emergency with respect to Syria, stating that "[the Government of Syria's] actions and policies, including continuing support for terrorist organizations, damaging the Lebanese government's ability to function, and pursuit of weapons of mass destruction and missile programs, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.". Subsequent actions based on that declaration include the following:

(A) Executive Order 13572 issued April 29, 2011, added Maher Al Asad, Ali Mamluk (director of the Syrian General Intelligence Directorate), Atif Najib (former head of the Syrian Political Security Directorate for Dara'a province), the General Intelligence, and Iran's Islamic Revolutionary Guard Corps to the Office of Foreign Assets Control's list of Specially Designated Nationals for their role in the crackdown against protestors that began in March 2011.

(B) Executive Order 13573 issued on May 18, 2011, added President Bashar Al Asad,

1 Vice-President Farouk al Shara, Prime Min-
2 ister Adel Safar, and other entities involved in
3 the crackdown to the Office of Foreign Assets
4 Control's list of Specially Designated Nationals
5 list.
6 (C) The Department of the Treasury has
7 added several Syrian Government officials and
8 entities with ties to the Syrian Government to
9 the Office of Foreign Assets Control's list of
10 Specially Designated Nationals, including Jamil
11 Hassan (Head of Air Force Intelligence), the
12 Commercial Bank of Syria, the General Petro-
13 leum Corporation, the Syrian Gas Company,
14 and Walid Mouallem (Foreign Minister).
15 (D) Executive Order 13582 issued August
16 18, 2011, froze the assets of the Government of
17 Syria, prohibited United States persons from
18 participating in transactions involving the Gov-
19 ernment of Syria, banned United States im-
20 ports of Syrian petroleum or petroleum prod-
21 ucts, prohibited United States persons from
22 having any dealings related to Syria's petro-
23 leum or petroleum products, and prohibited
24 United States persons from operating or invest-
25 ing in Syria.

(2) United Nations Security Council Resolution 1373 (2001) mandates that all countries "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts", take "the necessary steps to prevent the commission of terrorist acts", and "deny safe haven to those who finance, plan, support, or commit terrorist acts".

(3) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1); as continued in effect pursuant to the International Emergency Economic Powers Act) and other relevant provisions of law.

(4) The Department of State's Country Reports on Terrorism for 2010 states that "Syria in 2010 continued its political support to a variety of terrorist groups affecting the stability of the region and beyond. Syria provided political and weapons support to Hezbollah in Lebanon and allowed Iran to resupply the terrorist organization with weapons.

1 The external leadership of Hamas, the Palestine Is-
2 lamic Jihad (PIJ), the Popular Front for the Lib-
3 eration of Palestine (PLFP), and the Popular Front
4 for the Liberation of Palestine-General Command
5 (PFLP-GC), among others, were based in Damascus
6 and operated within Syria's borders. Statements
7 supporting terrorist groups like Hamas and
8 Hezbollah consistently permeated government
9 speeches and press statements . . . Hamas Politburo
10 head Khalid Meshaal and his deputies continued to
11 reside in Syria, while the Syrian government pro-
12 vided Meshaal security escorts for his motorcades .
13 . . Open source reports indicated that Hamas used
14 Syrian soil as training grounds for its militant fight-
15 ers . . . Syria continued its strong partnership with
16 fellow state sponsor of terrorism Iran.''.
17 (5) The Department of State's Country Reports
18 on Terrorism for 2010 states that ''Iraqi Baathists
19 continued to congregate in the Syrian capital and
20 some of them call for violence against the Iraqi gov-
21 ernment, Iraqi civilian targets, and American and
22 coalition forces within Iraq. Al-Rai Television, a tele-
23 vision station owned by Iraqi Baathist Mishaan al-
24 Jaburi and broadcast from a suburban Damascus lo-

1 cation, transmitted violent messages in support of
2 terrorism in Iraq throughout the year . . .".
3 (6) According to the "Message and Notice from
4 the President on the Continuation of the National
5 Emergency with Respect to Syria", dated April 29,
6 2011, the Government of Syria is "damaging the
7 Lebanese government's ability to function".
8 (7) According to the Office of the Director of
9 National Intelligence's "Unclassified Report to Con-
10 gress on the Acquisition of Technology Relating to
11 Weapons of Mass Destruction and Advanced Con-
12 ventional Munitions" for 2010, "Syria . . . was en-
13 gaged for more than a decade in a covert nuclear
14 program with North Korean assistance. The pro-
15 gram involved construction of a nuclear reactor at Al
16 Kibar without informing the IAEA and while taking
17 measures to preserve the site's secrecy. We assess
18 the reactor would have been capable of producing
19 plutonium for nuclear weapons. The reactor was de-
20 stroyed in September 2007, before it became oper-
21 ational, and Syria went to great lengths to try to
22 eradicate evidence of its existence and remains gen-
23 erally uncooperative with the IAEA investigation.
24 The covert nature of the program, the characteris-
25 tics of the reactor, and Syria's extreme efforts to

1 deny and destroy evidence of the reactor after its de-
2 struction are inconsistent with peaceful nuclear ap-
3 plications.''.
4 (8) According to the Office of the Director of
5 National Intelligence's ''Unclassified Report to Con-
6 gress on the Acquisition of Technology Relating to
7 Weapons of Mass Destruction and Advanced Con-
8 ventional Munitions'' for 2010, ''Syria possesses one
9 of the largest ballistic missile forces in the Middle
10 East, including liquid-propellant Scud SRBMs and
11 Scud-class variants such as Scud C and D. Syria
12 also fields the SS–21 solid-propellant SRBM. Syria
13 remains dependent on foreign suppliers such as
14 North Korea and Iran for some ballistic missile tech-
15 nology; however, Syria has growing domestic capa-
16 bilities and poses the risk of missile proliferation.''.
17 (9) The International Atomic Energy Agency's
18 Board of Governors voted on June 9, 2011, to refer
19 Syria to the United Nations Security Council for its
20 failure to cooperate with investigations of the exist-
21 ence of its nuclear program after it was determined
22 that the Dair Alzour site reportedly destroyed by
23 Israel in 2007 was likely to be a nuclear reactor.
24 (10) According to the Office of the Director of
25 National Intelligence's ''Unclassified Report to Con-

gress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions" for 2010, "Syria continue[s] to seek dual-use technology from foreign sources . . . Syria has had a [chemical weapons] program for many years and has a stockpile of [chemical weapons] agents, which can be delivered by aerial bombs, ballistic missiles, and artillery rockets . . . Syria's biotechnical infrastructure is capable of supporting [biological weapons] agent development.".

(11) Under the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.T. 483), which entered into force on March 5, 1970, and to which Syria is a party, Syria is obligated not to acquire or produce nuclear weapons and has accepted full scope safeguards of the International Atomic Energy Agency to detect diversions of nuclear materials from peaceful activities to the production of nuclear weapons or other nuclear explosive devices.

(12) Syria is not a party to the Chemical Weapons Convention or the Biological Weapons Convention, which entered into force on April 29, 1997, and on March 26, 1975, respectively.

(13) Since March 2011, according to public reports, the Government of Syria has been engaged in

1 a brutal crackdown against innocent protestors, with
2 the death toll reaching over 7,500 individuals by the
3 end of February 2012.
4 (14) The Department of State's Annual Coun-
5 try Reports on Human Rights Practices for 2010
6 cites numerous instances of politically-motivated dis-
7 appearances in Syria, unlawful deprivation of rights,
8 torture, and arbitrary arrest.
9 (15) Since the beginning of the violence in
10 Syria in March 2011, the European Union has sanc-
11 tioned more than 50 Syrian Government officials or
12 affiliated businessmen, while also banning the im-
13 port of Syrian oil.
14 (16) Syria is finding itself isolated diplomati-
15 cally, as illustrated by the decision of the United
16 States and many other countries to withdraw their
17 respective ambassadors from Syria.
18 (17) The Government of Syria's ability to gen-
19 erate additional revenue for its threatening activi-
20 ties, by expanding Syria's refining capacity and sig-
21 nificantly increasing petroleum production and ex-
22 ports, is heavily dependent on obtaining increased
23 foreign investment in Syria's energy sector.

SEC. 102. STATEMENT OF POLICY OBJECTIVES.

It shall be the policy objectives of the United States to—

(1) deny the Government of Syria the ability to—

(A) finance, provide safe-haven, or otherwise support designated foreign terrorist organizations, specially designated global terrorists, or affiliated organizations;

(B) develop chemical, biological, radiological, or nuclear weapons capabilities or ballistic missiles;

(C) continue to interfere in the affairs of the Government of Lebanon in contravention of multiple United Nations Security Council Resolutions, particularly Resolutions 1559 and 1701, and other pertinent obligations; and

(D) continue to oppress the people of Syria; and

(2) bring about Syria's—

(A) verifiable cessation of all financing, safe-haven, and support to designated foreign terrorist organizations, specially designated global terrorists, and affiliated organizations;

(B) verifiable cessation and dismantling of its chemical, biological, radiological, and nuclear weapons capabilities and ballistic missiles;

(C) cessation of all interference in the affairs of the Government of Lebanon, and full compliance with United Nations Security Council Resolutions 1559 and 1701, and other pertinent obligations; and

(D) cessation of activities and policies that oppress and suppress the people of Syria, and suppress their exercise of the right of free expression and association.

SEC. 103. CODIFICATION OF EXISTING SANCTIONS AND CONTINUATION OF RESTRICTIONS AGAINST THE GOVERNMENT OF SYRIA.

(a) IN GENERAL.—Subject to section 105, restrictions against the Government of Syria, and on persons by reason of their direction of, or contribution to, activities of the Government of Syria, that were imposed pursuant to the provisions of law specified in subsection (b) shall remain in effect and may not be lifted pursuant to such provisions of law until the President certifies to the appropriate congressional committees that the Government of Syria has satisfied the requirements described in subsection (c).

1 (b) PROVISIONS OF LAW.—The provisions of law re-
2 ferred to in subsection (a) are the following:
3 (1) As in effect on March 1, 2012:
4 (A) Sections 4 and 5 of Executive Order
5 12938.
6 (B) Sections 1, 2, and 3 of Executive
7 Order 13338.
8 (C) Section 1 of Executive Order 13399.
9 (D) Sections 1 and 2 of Executive Order
10 13460.
11 (E) Sections 1, 2, and 3, and the annex of
12 Executive Order 13572.
13 (F) Sections 1, 2, and 3, and the annex of
14 Executive Order 13573.
15 (G) Sections 1, 2, and 3 of Executive
16 Order 13582.
17 (2) A determination by the Secretary of State
18 that the Government of Syria, for purposes of sec-
19 tion 6(j) of the Export Administration Act of 1979
20 (as continued in effect pursuant to the International
21 Emergency Economic Powers Act), section 40 of the
22 Arms Export Control Act, section 620A of the For-
23 eign Assistance Act of 1961, or other provision of
24 law, is a government that has repeatedly provided
25 support for acts of international terrorism.

1 (c) REQUIREMENTS.—The requirements referred to
2 in subsection (a) are that the Government of Syria—
3 (1) has verifiably ceased all support for ter-
4 rorism;
5 (2)(A) has permanently dismantled Syria's
6 chemical, biological, radiological, and nuclear weap-
7 ons programs;
8 (B) has ceased all efforts to design, develop,
9 manufacture, or acquire—
10 (i) a nuclear explosive device or related
11 materials and technology;
12 (ii) chemical, biological, and radiological
13 weapons; and
14 (iii) ballistic missiles and ballistic missile
15 launch technology; and
16 (C) has taken demonstrable steps to combat the
17 proliferation of such weapons;
18 (3) does not pose a threat to United States na-
19 tional security, United States interests, and United
20 States allies in the region;
21 (4) respects the boundaries and sovereignty of
22 all neighboring countries;
23 (5) upholds and defends the human rights and
24 civil liberties of its people;

1 (6) is no longer engaged in training, harboring,
2 supplying, financing, or supporting in any way—
3 (A) Hamas, Hezbollah, Palestinian Islamic
4 Jihad, the Popular Front for the Liberation of
5 Palestine, the Kurdistan Workers' Party
6 (PKK), the Popular Front for the Liberation of
7 Palestine-General Command, the Democratic
8 Front for the Liberation of Palestine, Fatah al-
9 Intifada, or Fatah al-Islam;
10 (B) any other organization designated by
11 the Secretary of State as a foreign terrorist or-
12 ganization in accordance with section 219(a) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1189(a));
15 (C) any person included on the Annex to
16 Executive Order 13224 (September 23, 2001)
17 and any other person identified under section 1
18 of that Executive Order whose property and in-
19 terests in property are blocked by such section
20 (commonly known as a "specially designated
21 global terrorist");
22 (D) any person designated under section 3
23 of Executive Order 13338 (May 13, 2004) or
24 under section 1 of Executive Order 13438 (July
25 17, 2007);

(E) the Syrian Social Nationalist Party;

(F) any other person or organization contributing to instability in Lebanon or Iraq; and

(G) any agency, instrumentality, affiliate, or successor organization of the organizations listed in subparagraph (A), (B), (C), (D), (E), or (F); and

(7) has ceased its support for and facilitation of the transit from Syria to Iraq and Lebanon of terrorists, insurgents, military equipment, and lethal and non-lethal items used to support persons who are traveling from and through Syria into Iraq and Lebanon, and all arms shipments from Iran in violation of United Nations Security Council Resolution 1747.

SEC. 104. MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.

(a) MANDATORY SANCTIONS.—

(1) IN GENERAL.—The President shall impose on a foreign person the sanctions described in subsection (b) if the President determines that such foreign person has, on or after the date of the enactment of this Act, knowingly exported, transferred, or

otherwise provided to Syria any goods, services, technology, or other items knowing that the provision of such goods, services, technology, or other items would contribute materially to the ability of Syria to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies;

(B) the development of ballistic and cruise missile capabilities; or

(C) acquire or develop destabilizing numbers and types of advanced conventional weapons.

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsection (b) shall also be imposed on any person that—

(A) is a successor entity to the person described in paragraph (1);

(B) owns or controls the person referred to in such paragraph, if the person that owns or controls the person referred to in such paragraph had actual knowledge or should have known that the person referred to in such paragraph engaged in the activities referred to in such paragraph; or

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

(3) APPLICABILITY.—The sanctions under subsection (b) shall apply only in a case in which a person is subject to sanctions under such subsection because of an activity described in paragraph (1) of this subsection in which the person engages on or after the date of the enactment of this Act.

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

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS.—The President shall direct the Export-Import Bank of the United States to not give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to such person.

(2) EXPORT SANCTION.—

1 (A) IN GENERAL.—The President shall
2 order the United States Government not to
3 issue any specific license and not to grant any
4 other specific permission or authority to export
5 any goods or technology to such person under—
6 (i) the Export Administration Act of
7 1979 (as continued in effect pursuant to
8 the International Emergency Economic
9 Powers Act);
10 (ii) the Arms Export Control Act;
11 (iii) the Atomic Energy Act of 1954;
12 or
13 (iv) any other statute that requires
14 the prior review and approval of the
15 United States Government as a condition
16 for the export or re-export of goods or
17 services.
18 (B) EXCEPTIONS.—The prohibition in sub-
19 paragraph (A) does not apply to exports to
20 Syria of—
21 (i) agricultural commodities, food,
22 medicine, or medical devices;
23 (ii) articles exported to Syria to pro-
24 vide humanitarian assistance to the people
25 of Syria;

(iii) information or informational materials or any assistance provided under section 502; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

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

(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions shall be imposed against such person that is a financial institution:

1 (A) PROHIBITION ON DESIGNATION AS
2 PRIMARY DEALER.—Neither the Board of Gov-
3 ernors of the Federal Reserve System nor the
4 Federal Reserve Bank of New York may des-
5 ignate, or permit the continuation of any prior
6 designation of, such financial institution as a
7 primary dealer in United States Government
8 debt instruments.
9 (B) PROHIBITION ON SERVICE AS A RE-
10 POSITORY OF GOVERNMENT FUNDS.—Neither
11 the Board of Governors of the Federal Reserve
12 System nor the Federal Reserve Bank of New
13 York may serve as agent of the United States
14 Government or serve as repository for United
15 States Government funds with respect to such
16 financial institution.
17 (5) PROCUREMENT SANCTION.—The United
18 States Government may not procure, or enter into
19 any contract for the procurement of, any goods or
20 services from such person.
21 (6) FOREIGN EXCHANGE.—The President shall
22 prohibit any transactions in foreign exchange that
23 are subject to the jurisdiction of the United States
24 and in which such person has any interest.

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

(8) PROPERTY TRANSACTIONS.—The President shall prohibit any other person from—

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

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

(C) conducting any transaction involving such property.

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

1 (c) ADDITIONAL MANDATORY SANCTIONS RELATING
2 TO TRANSFER OF NUCLEAR TECHNOLOGY.—
3 (1) IN GENERAL.—
4 (A) RESTRICTIONS.—Notwithstanding any
5 other provision of law, on or after the date of
6 the enactment of this Act—
7 (i) no agreement for cooperation be-
8 tween the United States and the govern-
9 ment of any country that is assisting the
10 nuclear program of Syria, or transferring
11 advanced conventional weapons or missiles
12 to Syria, may be submitted to Congress
13 pursuant to section 123 of the Atomic En-
14 ergy Act of 1954 (42 U.S.C. 2153),
15 (ii) no such agreement may enter into
16 force with respect to such country,
17 (iii) no license may be issued for ex-
18 port directly or indirectly to such country
19 of any nuclear material, facilities, compo-
20 nents, or other goods, services, or tech-
21 nology that would be subject to such agree-
22 ment,
23 (iv) no approval may be given for the
24 transfer or retransfer directly or indirectly
25 to such country of any nuclear material,

1 facilities, components, or other goods, serv-
2 ices, or technology that would be subject to
3 such agreement,
4 (v) no item on the United States Mu-
5 nitions List (established pursuant to sec-
6 tion 38 of the Arms Export Control Act)
7 may be exported to such country,
8 (vi) the United States Government
9 may not issue any license for any export by
10 or to such country,
11 (vii) the President shall ban the im-
12 portation of any article that is a product of
13 such country,
14 (viii) the Secretary of the Treasury
15 shall instruct the United States Executive
16 Director at each international financial in-
17 stitution (as defined in section 1701(c)(2)
18 of the International Financial Institutions
19 Act) to oppose and vote against the exten-
20 sion by such institution of any financial or
21 technical assistance to such country, and
22 (ix) the United States Government
23 shall suspend compliance with its obliga-
24 tions under any technical exchange agree-
25 ment involving military and dual-use tech-

1 nology between the United States and such
2 country that does not directly contribute to
3 the national security of the United States,
4 and no military or dual-use technology may
5 be exported from the United States to such
6 country pursuant to such agreement dur-
7 ing such period,
8 until the President makes the determination
9 and transmits the report required under sub-
10 paragraph (B).
11 (B) DETERMINATION AND REPORT.—The
12 determination and report referred to in sub-
13 paragraph (A) are a determination and report
14 by the President, transmitted to the Committee
15 on Foreign Affairs of the House of Representa-
16 tives and the Committee on Foreign Relations
17 of the Senate, that the government of the coun-
18 try that is assisting the nuclear programs of
19 Syria or transferring advanced conventional
20 weapons or missiles to Syria—
21 (i) has suspended all nuclear assist-
22 ance to Syria, or all transfers of advanced
23 conventional weapons or missiles to Syria,
24 as the case may be; and

(ii) is committed to maintaining that suspension until the President certifies to the appropriate congressional committees that—

(I) Syria has verifiably ceased all support for terrorism;

(II) Syria has permanently dismantled its chemical, biological, radiological, and nuclear weapons programs;

(III) Syria has ceased all efforts to design, develop, manufacture, or acquire—

(aa) a nuclear explosive device or related materials and technology;

(bb) chemical, biological, and radiological weapons; and

(cc) ballistic missiles and ballistic missile launch technology;

(IV) Syria has taken demonstrable steps to combat the proliferation of such weapons; and

(V) Syria does not pose a threat to United States national security, United States interests, and United States allies in the region.

(2) RULES OF CONSTRUCTION.—The restrictions described in paragraph (1)(A)—

(A) shall apply in addition to all other applicable procedures, requirements, and restrictions described in the Atomic Energy Act of 1954 and other applicable Acts; and

(B) may not be construed as affecting the validity of an agreement for cooperation between the United States and the government of a country that is in effect on the date of the enactment of this Act.

(3) DEFINITIONS.—In this section:

(A) AGREEMENT FOR COOPERATION.—The term "agreement for cooperation" has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(B) ASSISTING THE NUCLEAR PROGRAM OF SYRIA.—The term "assisting the nuclear program of Syria" means the intentional transfer to Syria by a government, or by a person

subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(C) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAMS OF SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO SYRIA.—The term "country that is assisting the nuclear program of Syria or transferring advanced conventional weapons or missiles to Syria" means any country determined by the President to be assisting the nuclear program of Syria or transferring advanced conventional weapons or missiles to Syria.

1 (D) TRANSFER.—The term "transfer"
2 means the conveyance of technological or intel-
3 lectual property, or the conversion of intellec-
4 tual or technological advances into marketable
5 goods, services, or articles of value, developed
6 and generated in one place, to another through
7 illegal or illicit means to a country, the govern-
8 ment of which the Secretary of State has deter-
9 mined, for purposes of section 6(j)(1)(A) of the
10 Export Administration Act of 1979 (as in con-
11 tinued in effect pursuant to the International
12 Emergency Economic Powers Act), section
13 40(d) of the Arms Export Control Act (22
14 U.S.C. 2780(d)), or section 620A of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2371),
16 is a government that has repeatedly provided
17 support for acts of international terrorism.
18 (E) TRANSFERRING ADVANCED CONVEN-
19 TIONAL WEAPONS OR MISSILES TO SYRIA.—The
20 term "transferring advanced conventional weap-
21 ons or missiles to Syria" means the intentional
22 transfer to Syria by a government, or by a per-
23 son subject to the jurisdiction of a government
24 with the knowledge and acquiescence of that

government, of goods, services, or technology listed on—

(i) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(ii) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

SEC. 105. SUSPENSION OF SANCTIONS AGAINST SYRIA.

(a) SUSPENSION.—The President may suspend, as appropriate, the imposition of sanctions otherwise required under this Act for a period not to exceed three months if the President transmits to the appropriate congressional committees in writing a determination that the President has suspended or terminated the National Emergency with Respect to Syria described in Executive Order 13338.

(b) RENEWAL.—The President may renew the suspension of sanctions under this section for not more than an additional five consecutive three-month periods if the President transmits to the appropriate congressional committees in writing a determination that the following con-

1 ditions are continuing to be met with respect to each such
2 renewal:
3 (1) A post-Assad transitional government in
4 Syria is in power and such government meets a ma-
5 jority of the requirements described in subsection
6 (c)(1).
7 (2) The suspension of sanctions under this Act
8 is important to the national security interests of the
9 United States.
10 (c) REQUIREMENTS.—
11 (1) IN GENERAL.—The requirements described
12 in this paragraph are that the post-Assad transi-
13 tional government in Syria—
14 (A) has released all political prisoners and
15 provided full access to Syrian prisons for inves-
16 tigations by appropriate international human
17 rights organizations;
18 (B) has removed senior former Syrian Gov-
19 ernment elements from government positions
20 and any person subject to sanctions described
21 in section 505;
22 (C) is organizing free and fair elections for
23 a new government—

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

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis; and

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

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

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

(F) is making tangible progress toward fulfilling the conditions described in section 103.

(2) ADDITIONAL FACTORS.—In addition to the requirements described in paragraph (1), in determining whether to suspend the imposition of sanctions under this Act, the President shall take into account the extent to which the post-Assad transitional government in Syria—

1 (A) is demonstrably in transition from dic-
2 tatorship to representative democracy;
3 (B) has made public commitments to, and
4 is making demonstrable progress toward, effec-
5 tively guaranteeing the rights of all its citizens
6 and respecting freedom of speech and the press;
7 (C) is not dominated by Islamist extrem-
8 ists or their sympathizers; and
9 (D) has permitted the deployment through-
10 out Syria of independent and unfettered inter-
11 national human rights monitors.
12 (d) FURTHER RENEWAL.—If the maximum number
13 of suspension renewals specified in subsection (b) has been
14 reached, the President may further renew the suspension
15 of sanctions under this section for not more than one addi-
16 tional 12 month period if the President transmits to the
17 appropriate congressional committees in writing a deter-
18 mination that—
19 (1) a majority of the requirements described in
20 described in subsection (c)(1) of this section, and
21 (2) the requirements described in paragraphs
22 (1), (2)(B), (2)(C), (3), and (6) of section 103(c),
23 have been met.

TITLE II—SANCTIONS TARGETING SYRIA'S ENERGY SECTOR

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The efforts of the Government of Syria to acquire nuclear weapons capabilities, develop, and expand existing unconventional weapons capabilities and the means to deliver them, both through ballistic missile and asymmetric means, and its support for foreign terrorist organizations and other extremists endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

(2) Additional efforts are necessary to deny Syria the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

(3) The Government of Syria continues to commit systematic human rights abuses, and has ruthlessly suppressed pro-democracy and anti-Government protests through the use of torture, arbitrary arrests and detentions, and executions.

SEC. 202. SENSE OF CONGRESS.

It is the sense of Congress that the United States should continue to work bilaterally and multilaterally with allied governments and others to impose effective and comprehensive sanctions against the Government of Syria.

SEC. 203. DECLARATION OF POLICY.

Congress declares that it is the policy of the United States to deny Syria the ability to support foreign terrorist organizations and extremists, develop unconventional weapons and ballistic and cruise missiles, fund the development and acquisition of nuclear capabilities and the means to deliver them, and implement systematic and widespread human rights abuses against the people of Syria by limiting Syria's ability to explore for, extract, refine, or transport by pipeline petroleum resources of Syria.

SEC. 204. MULTILATERAL REGIME.

(a) MULTILATERAL NEGOTIATIONS.—In order to further the policy objectives described in section 102, Congress urges the President to continue the pursuit of diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against Syria, including provisions limiting the development of petroleum resources, that will inhibit Syria's efforts to carry out activities described in section 203.

1 (b) REPORTS TO CONGRESS.—Not later than one
2 year after the date of the enactment of this Act and annu-
3 ally thereafter, the President shall transmit to the appro-
4 priate congressional committees a report on the extent to
5 which diplomatic efforts described in subsection (a) have
6 been successful. Each report shall include information
7 on—
8 (1) the countries that have agreed to undertake
9 measures to further the policy objectives of section
10 102 with respect to Syria, and a description of such
11 measures;
12 (2) the efforts of the President to mount a mul-
13 tilateral campaign to persuade all countries to pres-
14 sure Syria to cease its nuclear, chemical, biological,
15 and missile weapons programs and its support of
16 acts of international terrorism;
17 (3) the extent to which the International Atom-
18 ic Energy Agency has established regular inspections
19 of all nuclear facilities in Syria, including such facili-
20 ties under construction at the time of the report at
21 issue; and
22 (4) the countries that have not agreed to meas-
23 ures referred to in paragraph (1), and, with respect
24 to such countries, other measures the President rec-

1 ommends that the United States take to further the
2 policy objectives of section 203 with respect to Syria.
3 (c) INTERIM REPORT ON MULTILATERAL SANC-
4 TIONS; MONITORING.—Not later than 90 days after the
5 date of the enactment of this Act, the President shall
6 transmit to the appropriate congressional committees a re-
7 port on—
8 (1) which countries and multilateral organiza-
9 tions have laws, regulations, or policies providing for
10 the imposition of trade sanctions on persons or their
11 affiliates doing business or having investments in
12 Syria; and
13 (2) the extent and duration of each instance of
14 the application of such sanctions.
15 (d) INVESTIGATIONS.—
16 (1) IN GENERAL.—The President shall initiate
17 an investigation into the possible imposition against
18 a person of sanctions under section 205 upon receipt
19 by the United States of credible information indi-
20 cating that such person is engaged in an activity de-
21 scribed in such section.
22 (2) CREDIBLE INFORMATION DEFINED.—The
23 term "credible information" means, with respect to
24 a person, such person's public announcement of an
25 activity described in section 205, Syrian govern-

1 mental announcements of such an activity, reports
2 to stockholders, annual reports, industry reports,
3 Government Accountability Office products, or trade
4 publications.

5 (3) DETERMINATION AND NOTIFICATION.—Not
6 later than 180 days after an investigation is initi-
7 ated in accordance with paragraph (1), the Presi-
8 dent shall determine, pursuant to section 205, if a
9 person has engaged in an activity described in such
10 section and shall notify the appropriate congres-
11 sional committees of the basis for any such deter-
12 mination.

13 (4) BRIEFING.—Not later than 30 days after
14 the date of the enactment of this Act and every 90
15 days thereafter, the Secretary of State shall—

16 (A) brief the appropriate congressional
17 committees regarding investigations initiated
18 under this section; and

19 (B) furnish to the appropriate congres-
20 sional committees, pursuant to section 15(b) of
21 the State Department Basic Authorities Act of
22 1956 (22 U.S.C. 2680(b)), all requested infor-
23 mation relating to investigations or reviews ini-
24 tiated under this Act.

SEC. 205. IMPOSITION OF SANCTIONS.

(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF SYRIA, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN SYRIA, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO SYRIA.—

(1) DEVELOPMENT OF PETROLEUM RESOURCES OF SYRIA.—

(A) IN GENERAL.—Subject to section 105, the President shall impose on a person a majority of the sanctions described in section 206(a) if the President determines that such person knowingly, on or after the date of the enactment of this Act—

(i) makes an investment described in subparagraph (B) of $5,000,000 or more; or

(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is of at least $2,000,000 and such investments in the aggregate equal or exceed the amount specified in clause (i).

(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an investment that directly and significantly contrib-

utes to the enhancement of Syria's ability to develop petroleum resources.

(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

(A) IN GENERAL.—Subject to section 105, the President shall impose on a person the sanctions described in section 206(a) if the President determines that such person knowingly, on or after the date of the enactment of this Act, sells, leases, or provides to Syria goods, services, technology, information, or support described in subparagraph (B)—

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

(ii) that, during a 12-month period, has an aggregate fair market value of $2,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Syria's domestic production of refined petroleum products, in-

1 cluding any direct and significant assistance
2 with respect to the construction, modernization,
3 or repair of petroleum refineries.
4 (3) EXPORTATION OF REFINED PETROLEUM
5 PRODUCTS TO SYRIA.—
6 (A) IN GENERAL.—Subject to section 105,
7 the President shall impose on a person or gov-
8 ernment entity a majority of the sanctions de-
9 scribed in section 206(a) if the President deter-
10 mines that the person or government entity
11 knowingly, on or after the date of the enact-
12 ment of this Act—
13 (i) sells or provides to Syria refined
14 petroleum products—
15 (I) that have a fair market value
16 of $1,000,000 or more; or
17 (II) that, during a 12-month pe-
18 riod, have an aggregate fair market
19 value of $5,000,000 or more; or
20 (ii) sells, leases, or provides to Syria
21 goods, services, technology, information, or
22 support described in subparagraph (B)—
23 (I) any of which has a fair mar-
24 ket value of $1,000,000 or more; or

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

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

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

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

(iii) entering into an agreement with Syria to purchase or provide future delivery of Syrian petroleum resources;

(iv) purchasing, subscribing to, or facilitating the issuance of Syrian sovereign debt; or

(v) providing ships or shipping services (to include infrastructure development) to deliver refined petroleum products to Syria.

(C) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose on a person that provides underwriting services or insurance or reinsurance sanctions under this paragraph if the President determines that such person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that such person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).

(b) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in section 206(a) shall also be imposed on any person that—

(1) is a successor entity to the person referred to in subsection (a) of this section;

(2) owns or controls the person referred to in such subsection, if the person that owns or controls

the person referred to in such subsection had actual knowledge or should have known that the person referred to in such subsection engaged in the activities referred to in such subsection; or

(3) is owned or controlled by, or under common ownership or control with, the person referred to in such subsection, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in such subsection knowingly engaged in the activities referred to in such subsection.

For purposes of this title, any person or entity described in this subsection shall be referred to as a "sanctioned person".

(c) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons and entities on which sanctions have been imposed under this title. The removal of persons or entities from, and the addition of persons and entities to, such list, shall also be so published.

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

(e) EXCEPTIONS.—The President shall not be required to impose or maintain the sanctions under section 206(a)—

(1) in the case of procurement of defense articles or defense services—

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

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

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

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

under section 301(b) of such Act (19 U.S.C. 2511(b));

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

(4) in the case of—

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

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

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

(5) in the case of information and technology essential to United States products or production; or

(6) in the case of medicines, medical supplies, or other humanitarian items.

(f) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act is a—

(1) corporate officer, principal, or shareholder with a controlling interest of a person against whom sanctions have been imposed pursuant to this section;

(2) corporate officer, principal, or shareholder with a controlling interest of a successor entity to or a parent or subsidiary of such a person;

(3) corporate officer, principal, or shareholder with a controlling interest of an affiliate of such a sanctioned person, if such affiliate engaged in a sanctionable activity described in subsection (a), and if such affiliate is controlled in fact by such a person; and

(4) spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

SEC. 206. DESCRIPTION OF SANCTIONS.

(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under section 205 are as follows:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President shall direct the Export-Import Bank of the United States to not give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with

1 the export of any goods or services to any sanctioned
2 person.
3 (2) EXPORT SANCTION.—The President shall
4 order the United States Government to not issue
5 any specific license and to not grant any other spe-
6 cific permission or authority to export any goods or
7 technology to a sanctioned person under—
8 (A) the Export Administration Act of 1979
9 (as continued in effect pursuant to the Inter-
10 national Emergency Economic Powers Act);
11 (B) the Arms Export Control Act;
12 (C) the Atomic Energy Act of 1954; or
13 (D) any other statute that requires the
14 prior review and approval of the United States
15 Government as a condition for the export or re-
16 export of goods or services.
17 (3) EXCEPTIONS.—The prohibition in sub-
18 section (a) does not apply to exports to Syria of—
19 (A) agricultural commodities, food, medi-
20 cine, or medical devices;
21 (B) articles exported to Syria to provide
22 humanitarian assistance to the people of Syria;
23 (C) information or informational materials
24 or any assistance provided under section 502;
25 or

(D) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

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

(5) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions shall be imposed against a sanctioned person that is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may des-

1 ignate, or permit the continuation of any prior
2 designation of, such financial institution as a
3 primary dealer in United States Government
4 debt instruments.
5 (B) PROHIBITION ON SERVICE AS A RE-
6 POSITORY OF GOVERNMENT FUNDS.—Neither
7 the Board of Governors of the Federal Reserve
8 System nor the Federal Reserve Bank of New
9 York may serve as agent of the United States
10 Government or serve as repository for United
11 States Government funds with respect to such
12 financial institution.
13 (6) PROCUREMENT SANCTION.—The United
14 States Government may not procure, or enter into
15 any contract for the procurement of, any goods or
16 services from a sanctioned person.
17 (7) FOREIGN EXCHANGE.—The President shall
18 prohibit any transactions in foreign exchange that
19 are subject to the jurisdiction of the United States
20 and in which the sanctioned person has any interest.
21 (8) BANKING TRANSACTIONS.—The President
22 shall prohibit any transfers of credit or payments be-
23 tween financial institutions or by, through, or to any
24 financial institution, to the extent that such trans-
25 fers or payments are subject to the jurisdiction of

the United States and involve any interest of the sanctioned person.

(9) PROPERTY TRANSACTIONS.—The President shall prohibit any person from—

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

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

(C) conducting any transaction involving such property.

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

(b) ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.—

(1) MODIFICATION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the date of the enactment of this Act, the Federal Ac-

1 quisition Regulation issued pursuant to section 25 of
2 the Office of Federal Procurement Policy Act (41
3 U.S.C. 421) shall be revised to require a certifi-
4 cation from each person that is a prospective con-
5 tractor that such person does not engage in any ac-
6 tivity for which sanctions may be imposed under sec-
7 tion 205.
8 (2) REMEDIES.—
9 (A) IN GENERAL.—If the head of an exec-
10 utive agency determines that a person has sub-
11 mitted a false certification under paragraph (1)
12 after the date on which the Federal Acquisition
13 Regulation is revised to implement the require-
14 ments of this subsection, the head of such exec-
15 utive agency shall terminate a contract with
16 such person or debar or suspend such person
17 from eligibility for Federal contracts for a pe-
18 riod of not less than three years. Any such de-
19 barment or suspension shall be subject to the
20 procedures that apply to debarment and sus-
21 pension under the Federal Acquisition Regula-
22 tion under subpart 9.4 of part 9 of title 48,
23 Code of Federal Regulations.
24 (B) INCLUSION ON LIST OF PARTIES EX-
25 CLUDED FROM FEDERAL PROCUREMENT AND

1 NONPROCUREMENT PROGRAMS.—The Adminis-
2 trator of General Services shall include on the
3 List of Parties Excluded from Federal Procure-
4 ment and Nonprocurement Programs main-
5 tained by the Administrator under part 9 of the
6 Federal Acquisition Regulation issued pursuant
7 to section 25 of the Office of Federal Procure-
8 ment Policy Act (41 U.S.C. 421) each person
9 that is debarred, suspended, or proposed for de-
10 barment or suspension by the head of an execu-
11 tive agency on the basis of a determination of
12 a false certification under subparagraph (A).
13 (3) CLARIFICATION REGARDING CERTAIN PROD-
14 UCTS.—The remedies specified in paragraph (2)
15 shall not apply with respect to the procurement of
16 eligible products, as defined in section 308(4) of the
17 Trade Agreements Act of 1974 (19 U.S.C. 2518(4)),
18 of any foreign country or instrumentality designated
19 under section 301(b) of such Act (19 U.S.C.
20 2511(b)).
21 (4) RULE OF CONSTRUCTION.—This subsection
22 may not be construed to limit the use of other rem-
23 edies available to the head of an executive agency or
24 any other official of the Federal Government on the

basis of a determination of a false certification under paragraph (1).

(5) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given that term in section 204 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 207. ADVISORY OPINIONS.

The Secretary of State may, upon the request of any person, issue an advisory opinion to such person as to whether a proposed activity by such person would subject such person to sanctions under section 205(a). Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject such person to such sanctions, and any person who thereafter engages in such activity, shall not be made subject to such sanctions on account of such activity.

SEC. 208. TERMINATION OF SANCTIONS.

The requirement under section 205 to impose sanctions shall cease to have force and effect on the date that is 30 days after the President makes the certification described in section 103.

SEC. 209. DURATION OF SANCTIONS.

(a) DELAY OF SANCTIONS.—

(1) CONSULTATIONS.—If the President makes a determination described in section 205 with respect

to a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over such person with respect to the imposition of sanctions under section 205(a).

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue consultations under paragraph (1) with the government concerned, the President may delay for up to 90 days the imposition on a foreign person of sanctions under section 205(a). Following such consultations, the President shall immediately impose on such person such sanctions unless the President determines and certifies to appropriate congressional committees that such government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of such person in the activities that resulted in the determination by the President under section 205 concerning such person.

(3) ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.—The President may delay the imposition on a foreign person of sanctions for up to an additional 90 days if the President determines and certifies to appropriate congressional committees

that the government with primary jurisdiction over such person concerned is in the process of taking the actions described in paragraph (2).

(4) REPORT TO CONGRESS.—Not later than 90 days after making a determination under section 205, the President shall transmit to the appropriate congressional committees a report on the status of consultations with the appropriate foreign government under this subsection, and the basis for any determination under paragraph (3).

(b) DURATION OF SANCTIONS.—A sanction imposed under section 205(a) shall remain in effect for a period of not less than two years from the date on such sanction is imposed.

(c) WAIVER.—The President may waive the imposition of sanctions under section 205(a) on a case-by-case basis if, 15 days before such a waiver is issued, the President certifies to the appropriate congressional committees that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

SEC. 210. DETERMINATIONS NOT REVIEWABLE.

A determination to impose sanctions under section 205(a) shall not be reviewable in any court.

TITLE III—SYRIA NUCLEAR WEAPONS PREVENTION

SEC. 301. FINDINGS.

Congress makes the following findings:

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

(2) Following the briefing, Syria granted International Atomic Energy Agency (IAEA) inspectors access to the al-Kibar site (but denied them access to three other sites), where they took environmental samples on June 23, 2008. After the visit, Syria suspended cooperation with the IAEA, which later revealed that soil samples taken from the al-Kibar site revealed "a significant number of natural uranium particles" that were produced by human action rather than being already present in the environment.

(3) The natural uranium found by the IAEA is the type of fuel that would be fed into a reactor to

1 produce plutonium, which after extraction in a re-
2 processing facility, could fuel a nuclear bomb.
3 (4) The Director-General of the IAEA reported
4 to the IAEA Board of Governors on May 24, 2011,
5 that "[the IAEA] assesses that it is very likely that
6 the building destroyed at the [al-Kibar] site was a
7 nuclear reactor".
8 (5) Syria's safeguards agreement with the
9 IAEA requires notification to the agency in advance
10 of construction of any nuclear facility, regardless of
11 the presence of nuclear material, and, as a result,
12 Syria's construction of a reactor violated its IAEA
13 obligations.

14 **SEC. 302. ACTIONS WITHIN THE INTERNATIONAL ATOMIC**
15 **ENERGY AGENCY.**

16 (a) STATEMENT OF POLICY.—It shall be the policy
17 of the United States to continue to oppose the develop-
18 ment or acquisition by Syria of a nuclear capability.
19 (b) UNITED STATES ACTIONS.—The President shall
20 use all available political, economic, and diplomatic tools,
21 and shall use the voice, vote, and influence of the United
22 States in all international organizations and associations
23 of which it is a member, including the IAEA and the Nu-
24 clear Suppliers Group, to—

1 (1) block the development or acquisition by
2 Syria of a capacity to fabricate nuclear fuel;
3 (2) block the allocation of funds for any IAEA
4 development, environmental, or nuclear science as-
5 sistance or activity to Syria;
6 (3) block the allocation of funds for IAEA de-
7 velopment, environmental, or nuclear-related assist-
8 ance or activity to the Government of Syria, includ-
9 ing any agency or instrumentality thereof; and
10 (4) block membership of the Government of
11 Syria on the Board of Governors of the IAEA.

12 **SEC. 303. EXCLUSION FROM THE UNITED STATES OF SEN-**
13 **IOR OFFICIALS OF FOREIGN PERSONS WHO**
14 **HAVE AIDED THE NUCLEAR PROGRAM OF**
15 **SYRIA.**

16 The Secretary of State shall deny a visa to, and the
17 Secretary of Homeland Security shall exclude from the
18 United States, any alien whom the Secretary of State de-
19 termines is an alien who, on or after the date of the enact-
20 ment of this Act, is a—
21 (1) person, agent, instrumentality, or official of,
22 is affiliated with, or is serving as a representative of,
23 the Government of Syria identified in a report sub-
24 mitted pursuant to section 2(a) of the Iran, North

Korea, and Syria Nonproliferation Act (Public Law 106–178);

(2) corporate officer, principal, or shareholder with a controlling interest of a foreign person identified in such a report;

(3) corporate officer, principal, or shareholder with a controlling interest of a successor entity to, or a parent or subsidiary of, a foreign person identified in such a report;

(4) corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report; or

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

TITLE IV—DIPLOMATIC EFFORTS TO ISOLATE THE GOVERNMENT OF SYRIA

SEC. 401. OPPOSITION TO SYRIA'S MEMBERSHIP AND CANDIDACY FOR LEADERSHIP POSTS IN UNITED NATIONS INSTITUTIONS.

The President shall continue to 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.

SEC. 402. REPORT ON ASSISTANCE TO, AND COMMERCE WITH SYRIA.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, and subject to section 105, the President shall transmit to the appropriate congressional committees a report on assistance to, and commerce with, Syria by other foreign countries during the preceding 12-month period.

(b) CONTENTS.—Each report required under subsection (a) shall, for the period covered by each such report, contain the following information, to the extent such information is available:

(1) A description of all bilateral assistance provided to Syria by other foreign countries, including humanitarian assistance.

(2) A description of Syria's commerce with other foreign countries, including an identification of Syria's trading partners and the extent of such trade

1 and the dollar amount to include Syria's energy sec-
2 tor.
3 (3) A description of the joint ventures com-
4 pleted, or under consideration, by foreign nationals,
5 business firms, or 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 ensure
24 that raw materials and semifinished or finished
25 goods produced by facilities in Syria involving for-

eign nationals do not enter the United States market, either directly or through third countries or parties.

(6) An identification of countries and entities that provide, or have provided, military supplies, equipment or other material to Syria or that otherwise have entered into agreements with Syria that could have a military application, including—

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

(B) a listing of the goods, services, credits, or other consideration received by Syria in exchange for such military supplies, equipment, or other material; and

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

(c) FORM.—The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

TITLE V—SUPPORT FOR DEMOCRACY IN SYRIA

SEC. 501. DECLARATIONS OF POLICY.

It shall be the policy of the United States to—

1 (1) support independent human rights and pro-
2 democracy forces in Syria to promote the emergence
3 of a democratic government in Syria that will—
4 (A) denounce and combat extremism;
5 (B) verifiably dismantle its chemical, bio-
6 logical, radiological, and nuclear weapons pro-
7 grams and commit to combating the prolifera-
8 tion of such weapons;
9 (C) respect the boundaries, sovereignty,
10 and right to exist of its neighbors and live in
11 peace and security with all the countries in the
12 region; and
13 (D) uphold and defend the human rights
14 and civil liberties of its citizens;
15 (2) seek the adoption of a resolution by the
16 Community of Democracies to promote the emer-
17 gence of a democratic government in Syria; and
18 (3) seek the establishment of a consultative
19 group among the United States, the European
20 Union, and other relevant entities to promote the
21 emergence of a democratic government in Syria.
22 **SEC. 502. ASSISTANCE TO SUPPORT A TRANSITION TO DE-**
23 **MOCRACY IN SYRIA.**
24 (a) AUTHORIZATION.—The Secretary of State is au-
25 thorized to provide financial and political assistance (in-

1 cluding the award of grants) to foreign and domestic indi-
2 viduals, organizations, and entities that support a peaceful
3 democratic transition in Syria. Such assistance may in-
4 clude the award of grants to eligible independent pro-de-
5 mocracy organizations that promote radio and television
6 broadcasting, internet, satellite, and other forms of tele-
7 communications that broadcast into Syria.

8 (b) ELIGIBILITY FOR ASSISTANCE.—Financial and
9 political assistance under this section may be provided
10 only to an individual, organization, or entity that—

11 (1) is dedicated to democratic values and sup-
12 ports the adoption of a democratic form of govern-
13 ment in Syria;

14 (2) is dedicated to respect for human rights, in-
15 cluding the fundamental equality of women and plu-
16 ralism;

17 (3) works to establish equality of opportunity
18 for people;

19 (4) supports freedom of the press, freedom of
20 speech, freedom of association, and freedom of reli-
21 gion;

22 (5) officially opposes the use of violence and
23 terrorism and has not been designated as a foreign
24 terrorist organization under section 219(a) of the

1 Immigration and Nationality Act (8 U.S.C. 1189(a))
2 at any time during the preceding 4 years; and
3 (6) advocates the adherence by Syria to non-
4 proliferation regimes for nuclear, chemical, and bio-
5 logical weapons and materiel.
6 (c) FUNDING.—The President shall only provide as-
7 sistance to democracy promotion in Syria section using
8 funds available to the Middle East Partnership Initiative,
9 the Broader Middle East and North Africa Initiative, and
10 the Human Rights and Democracy Fund.
11 (d) NOTIFICATION.—Not later than 15 days before
12 each obligation of assistance under this section and in ac-
13 cordance with the procedures under section 634A of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the
15 President shall notify the Committee on Foreign Affairs
16 and the Committee on Appropriations of the House of
17 Representatives and the Committee on Foreign Relations
18 and the Committee on Appropriations of the Senate. Such
19 notification shall include, as practicable, the types of pro-
20 grams supported by such assistance and the recipients of
21 such assistance.
22 (e) SENSE OF CONGRESS REGARDING DIPLOMATIC
23 ASSISTANCE.—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Syria that meet the criteria specified in subsection (b);

(2) support for a transition to democracy in Syria should be expressed by United States representatives and officials in all appropriate international fora; and

(3) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous peaceful efforts in Syria calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Syria of human rights, freedom of religion, freedom of assembly, and freedom of the press.

SEC. 503. COMPREHENSIVE STRATEGY TO PROMOTE DEMOCRACY IN SYRIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a comprehensive strategy to support a transition to a democratic government in Syria that—

(1) opposes the use of violence and terrorism;

(2) adheres to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel and other international obligations;

(3) is dedicated to democratic values and respect for human rights, including the fundamental equality of women and pluralism;

(4) works to establish equality of opportunity for people;

(5) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion;

(6) upholds and defends the human rights and civil liberties of its people;

(7) respects the boundaries and sovereignty of all neighboring countries; and

(8) does not pose a threat to United States national security, United States interests, and United States allies in the region.

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

SEC. 504. CONDEMNATION OF SYRIAN HUMAN RIGHTS ABUSES.

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

(1) condemn in all appropriate international fora the consistent pattern of gross violations of human rights by the Government of Syria;

(2) introduce and work toward the adoption of resolutions in appropriate United Nations and international fora which detail and condemn the dismal human rights record of Syria;

(3) support the people of Syria in their struggle for freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law; and

(4) reach out to nonviolent dissidents, human rights activists, and the democratic opposition in Syria, and to assist them in their efforts.

(b) ACTIONS AT APPROPRIATE UNITED NATIONS FORA.—The President shall continue to direct the United States Permanent Representative to the United Nations to take the necessary steps to secure support for the adoption of resolutions at appropriate United Nations fora holding the Government of Syria accountable for its systematic violations of human rights of Syrian and Lebanese citizens and calling for the appointment of a United Nations Special Rapporteur to investigate such human rights violations.

SEC. 505. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA AND THEIR FAMILY MEMBERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall impose on each person described in subsection (b) the sanctions described in subsection (c).

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

(1) IN GENERAL.—The persons referred to in subsection (a) are—

(A) senior officials of the Government of Syria, including the President, Members of the Cabinet, members of the Ministry of Defense, Ministry of the Interior, General Intelligence Directorate, Political Security Directorate, and the Syrian military or associated entities with the rank of brigadier general or above or the equivalent rank thereof, including members of paramilitary organizations; and

(B) persons acting on behalf of the Government of Syria who are complicit in human rights abuses.

1 (2) EXEMPTION; CERTIFICATION.—The Presi-
2 dent shall exempt any person described in paragraph
3 (1)(A) from imposition of sanctions if the President
4 determines and certifies to the appropriate congres-
5 sional committees that such person, based on cred-
6 ible evidence, is not responsible for or complicit in,
7 or responsible for ordering, controlling, or otherwise
8 directing, the commission of serious human rights
9 abuses against citizens of Syria or their family mem-
10 bers, regardless of whether such abuses occurred in
11 Syria.
12 (c) SANCTIONS DESCRIBED.—The sanctions de-
13 scribed in this subsection are ineligibility for a visa to
14 enter the United States and sanctions pursuant to the
15 International Emergency Economic Powers Act (50
16 U.S.C. 1701 et seq.), including blocking of property and
17 restrictions or prohibitions on financial transactions and
18 the exportation and importation of property, subject to
19 such regulations as the President may prescribe, including
20 regulatory exceptions to permit the United States to com-
21 ply with the Agreement between the United Nations and
22 the United States of America regarding the Headquarters
23 of the United Nations, signed June 26, 1947, and entered
24 into force November 21, 1947, and other applicable inter-
25 national obligations.

1 (d) CONGRESSIONAL NOTIFICATION.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the date of the enactment of this Act, the President
4 shall submit to the appropriate congressional com-
5 mittees the list of persons sanctioned pursuant to
6 this section.

7 (2) FORM; PUBLIC AVAILABILITY.—

8 (A) FORM.—The list required by para-
9 graph (1) shall be submitted in unclassified
10 form but may contain a classified annex.

11 (B) PUBLIC AVAILABILITY.—The unclassi-
12 fied portion of the list required by paragraph
13 (1) shall be made available to the public and
14 posted on the websites of the Department of the
15 Treasury and the Department of State.

16 (3) CONSIDERATION OF OTHER DATA.—In pre-
17 paring the list required by paragraph (1), the Presi-
18 dent shall consider credible data obtained by other
19 countries and nongovernmental organizations, in-
20 cluding organizations in Syria, that monitor human
21 rights abuses of the Government of Syria.

22 (e) TERMINATION OF SANCTIONS.—The provisions of
23 this section shall terminate on the date on which the Presi-
24 dent determines and certifies to the appropriate congres-

1 sional committees that a post-Assad transitional govern-
2 ment of Syria—
3 (1) has released all political prisoners and pro-
4 vided full access to Syrian prisons for investigations
5 by appropriate international human rights organiza-
6 tions;
7 (2) has removed senior former government ele-
8 ments from government positions and any person
9 subject to sanctions described under this section;
10 (3) is organizing free and fair elections for a
11 new government—
12 (A) to be held in a timely manner and
13 scheduled while the suspension of sanctions
14 under section 105 is in effect;
15 (B) with the participation of multiple inde-
16 pendent political parties that have full access to
17 the media on an equal basis; and
18 (C) to be conducted under the supervision
19 of internationally-recognized observers;
20 (4) is making tangible progress toward estab-
21 lishing an independent judiciary;
22 (5) is demonstrating respect for and compliance
23 with internationally-recognized human rights and
24 basic freedoms as specified in the Universal Declara-
25 tion of Human Rights; and

(6) is making tangible progress toward fulfilling the conditions described in section 103.

SEC. 506. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT MAY BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) INVESTIGATIONS; DETERMINATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), upon receiving credible information that a person may have engaged in an activity described in paragraph (2), the President shall initiate an investigation and, not later than 180 days after initiating such investigation, make a determination with respect to whether such person engaged in such activity.

(2) ACTIVITY DESCRIBED.—

(A) IN GENERAL.—A person engages in an activity described in this subparagraph if such person, on or after the date of the enactment of this Act—

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

(ii) provides services with respect to such goods or technologies after such

goods or technologies are transferred to Syria.

(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether or not the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), accessories for firearms, rubber bullets, clubs, batons, police sticks, mace, stun grenades, tasers or other electroshock weapons, tear gas, water cannons, motorcycles, cranes, or surveillance technology;

(ii) sensitive or surveillance technology; and

(iii) other goods or technologies that the President determines may be used by

the Government of Syria to commit human rights abuses against the people of Syria.

(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to initiate an investigation, and may terminate an investigation, under this subsection if the President certifies to the appropriate congressional committees that—

(A) the person whose activity was the basis for the investigation is no longer engaging in the activity described in paragraph (2) or has taken significant verifiable steps toward stopping such activity; and

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

(b) LIST.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a list of each person the President determines has engaged in an activity described in subsection (a)(2)—

(A) not later than 210 days after the date of the enactment of this Act and every 180 days thereafter; and

1 (B) as new information becomes available.
2 (2) FORM OF LIST.—The list required by para-
3 graph (1) shall be submitted in unclassified form but
4 may contain a classified annex.
5 (c) ASSET FREEZE.—The President shall freeze and
6 prohibit all transactions in all property and interests in
7 property of a person on the list required by subsection (b)
8 if such property and interests in property are in the
9 United States, come within the United States, or are or
10 come within the possession or control of a United States
11 person.
12 **SEC. 507. IMPOSITION OF SANCTIONS WITH RESPECT TO**
13 **PERSONS WHO ENGAGE IN CENSORSHIP IN**
14 **SYRIA.**
15 (a) IN GENERAL.—The President shall impose sanc-
16 tions described in section 505(c) with respect to each per-
17 son on the list required under subsection (b).
18 (b) LIST OF PERSONS WHO ENGAGE IN CENSOR-
19 SHIP.—
20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, the President
22 shall transmit to the appropriate congressional com-
23 mittees a list of persons that the President deter-
24 mines have engaged in censorship, or activities relat-
25 ing to censorship, in a manner that prohibits, limits,

or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

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

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

(B) as new information becomes available.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

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

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

SEC. 508. PROHIBITION ON PROCUREMENT CONTRACTS WITH PERSONS THAT EXPORT SENSITIVE TECHNOLOGY TO SYRIA AND THEIR AFFILIATES.

(a) IN GENERAL.—Pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract, on or after

1 the date that is 90 days after the date of the enactment
2 of this Act, for the procurement of goods or services
3 with—
4 (1) a person that exports sensitive technology to
5 Syria; or
6 (2) any person that—
7 (A) is a successor entity to a person re-
8 ferred to in paragraph (1);
9 (B) owns or controls a person referred to
10 in paragraph (1), if the person that owns or
11 controls the person referred to in such para-
12 graph has actual knowledge or should know
13 that the person referred to in such paragraph
14 exports sensitive technology to Syria; or
15 (C) is owned or controlled by, or under
16 common ownership or control with, a person re-
17 ferred to in paragraph (1), if the person owned
18 or controlled by, or under common ownership or
19 control with (as the case may be), the person
20 referred to in such paragraph knowingly en-
21 gages in the exportation by the person referred
22 to in such paragraph of sensitive technology to
23 Syria.
24 (b) SENSITIVE TECHNOLOGY DEFINED.—

(1) IN GENERAL.—The term "sensitive technology" means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

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

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

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

TITLE VI—GENERAL PROVISIONS

SEC. 601. DENIAL OF VISAS FOR GOVERNMENT OF SYRIA.

(a) IN GENERAL.—Except as necessary to meet United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international treaty obligations, and to meet United States national security inter-

1 ests and objectives, the Secretary of State may not issue
2 a visa to and the Secretary of Homeland Security shall
3 exclude from the United States a person of the Govern-
4 ment of Syria pursuant to section 6(j)(1)(A) of the Export
5 Administration Act of 1979 (as continued in effect pursu-
6 ant to the International Emergency Economic Powers Act;
7 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export
8 Control Act (22 U.S.C. 2780(d)), section 620A of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2371), if the Sec-
10 retary determines that such person—

11 (1) is an agent, instrumentality, or official of,
12 is affiliated with, or is serving as a representative of
13 the Government of Syria; or

14 (2) presents a threat to the United States or is
15 directly or indirectly affiliated with a foreign ter-
16 rorist organization in accordance with section 219(a)
17 of the Immigration and Nationality Act (8 U.S.C.
18 1182(a)).

19 (b) RESTRICTION ON MOVEMENT.—The Secretary of
20 State shall restrict in Washington, D.C., and at the
21 United Nations in New York City, the travel to only within
22 a 25-mile radius of Washington, D.C., or the United Na-
23 tions headquarters building, respectively, of any person
24 identified in subsection (a).

SEC. 602. EXCLUSION OF CERTAIN ACTIVITIES.

Nothing in this Act—

(1) shall apply to activities subject to the reporting requirements of title V of the National Security Act of 1947; or

(2) shall be construed as authorizing the use of force or the use of the United States Armed Forces in or against Syria.

SEC. 603. REGULATORY AUTHORITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall promulgate regulations as necessary for the implementation of this Act.

(b) CONSULTATION WITH CONGRESS.—Not less than 10 days before the promulgation of regulations under subsection (a), the President shall notify the appropriate congressional committees of the proposed regulations and the provisions of this Act that such regulations are implementing.

SEC. 604. SUNSET.

The provisions of this Act shall terminate, and shall cease to be effective, on the date that is 30 days after the date that the President makes the certification described in section 103.

☒

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2106 OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Page 38, line 11, strike section 105 and insert the following:

1 **SEC. 105. MANDATORY SANCTIONS WITH RESPECT TO FI-**
2 **NANCIAL INSTITUTIONS THAT ENGAGE IN**
3 **CERTAIN TRANSACTIONS.**

4 (a) PROHIBITIONS AND CONDITIONS WITH RESPECT
5 TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL
6 INSTITUTIONS.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date of the enactment of this Act, the Secretary
9 of the Treasury shall prescribe regulations to pro-
10 hibit, or impose strict conditions on, the opening or
11 maintaining in the United States of a correspondent
12 account or a payable-through account by a foreign
13 financial institution that the Secretary finds know-
14 ingly engages in an activity described in paragraph
15 (2).

16 (2) ACTIVITIES DESCRIBED.—A foreign finan-
17 cial institution engages in an activity described in
18 this paragraph if the foreign financial institution—

(A) knowingly engages in or facilitates a transaction with—

(i) Syria's security services or its armed forces, including the National Security Directorate, the mukhabarat, or any of its agents or affiliates; or

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

(I) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law; or

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

(B) knowingly engages in money laundering to carry out an activity described in subparagraph (A);

(C) knowingly facilitates efforts by the Central Bank of Syria or any other Syrian financial institution to carry out an activity described in subparagraph (A); or

1 (D) knowingly facilitates the withdrawal of
2 foreign currency reserves of the Government of
3 Syria or any of its agents or affiliates.
4 (3) PENALTIES.—The penalties provided for in
5 subsections (b) and (c) of section 206 of the Inter-
6 national Emergency Economic Powers Act (50
7 U.S.C. 1705) shall apply to a person that knowingly
8 violates, attempts to violate, conspires to violate, or
9 causes a violation of regulations prescribed under
10 paragraph (1) of this subsection to the same extent
11 that such penalties apply to a person that knowingly
12 commits an unlawful act described in section 206(a)
13 of that Act.
14 (b) PENALTIES FOR DOMESTIC FINANCIAL INSTITU-
15 TIONS FOR ACTIONS OF PERSONS OWNED OR CON-
16 TROLLED BY SUCH FINANCIAL INSTITUTIONS.—
17 (1) IN GENERAL.—Not later than 30 days after
18 the date of the enactment of this Act, the Secretary
19 of the Treasury shall prescribe regulations to pro-
20 hibit any person owned or controlled by a domestic
21 financial institution from knowingly engaging in a
22 transaction or transactions with or benefitting Syr-
23 ia's security services or its armed forces or any of
24 its agents or affiliates whose property or interests in
25 property are blocked pursuant to the International

1 Emergency Economic Powers Act (50 U.S.C. 1701
2 et seq.).
3 (2) PENALTIES.—The penalties provided for in
4 section 206(b) of the International Emergency Eco-
5 nomic Powers Act (50 U.S.C. 1705(b)) shall apply
6 to a domestic financial institution to the same extent
7 that such penalties apply to a person that knowingly
8 commits an unlawful act described in section 206(a)
9 of that Act if—
10 (A) a person owned or controlled by the
11 domestic financial institution knowingly vio-
12 lates, attempts to violate, conspires to violate,
13 or causes a violation of regulations prescribed
14 under paragraph (1) of this subsection; and
15 (B) the domestic financial institution knew
16 or should have known that the person violated,
17 attempted to violate, conspired to violate, or
18 caused a violation of such regulations.
19 (c) REQUIREMENTS FOR FINANCIAL INSTITUTIONS
20 MAINTAINING ACCOUNTS FOR FOREIGN FINANCIAL IN-
21 STITUTIONS.—
22 (1) IN GENERAL.—The Secretary of the Treas-
23 ury shall prescribe regulations to require a domestic
24 financial institution that maintains a correspondent
25 account or payable-through account in the United

1 States for a foreign financial institution to do one or
2 more of the following:
3 (A) Perform a reasonably diligent audit of
4 activities described in subsection (a)(2) that
5 may be carried out by the foreign financial in-
6 stitution.
7 (B) Report to the Department of the
8 Treasury with respect to transactions or other
9 financial services provided with respect to any
10 activity described in subsection (a)(2).
11 (C) Certify, to the best of the knowledge of
12 the domestic financial institution, that the for-
13 eign financial institution is not knowingly en-
14 gaging in any activity described in subsection
15 (a)(2).
16 (D) Establish due diligence policies, proce-
17 dures, and controls, such as the due diligence
18 policies, procedures, and controls described in
19 section 5318(i) of title 31, United States Code,
20 to ensure that the foreign financial institution
21 is not knowingly engaged in any activity de-
22 scribed in subsection (a)(2).
23 (2) PENALTIES.—The penalties provided for in
24 sections 5321(a) and 5322 of title 31, United States
25 Code, shall apply to a person that knowingly violates

a regulation prescribed under paragraph (1) of this subsection, in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(d) WAIVER.—The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (a) or the imposition of a penalty under subsection (b) with respect to a domestic financial institution if—

(1) the Secretary determines that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States; and

(2) not less than 15 days prior to the exercise of the waiver authority, the Secretary submits to the appropriate congressional committees a report describing the reasons for the determination.

(e) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under subsection (a)(1), a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (b), is based on classified

information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under subsection (a)(1), any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (b).

(f) CONSULTATIONS IN IMPLEMENTATION OF REGULATIONS.—In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(g) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "account", "correspondent account", and "payable-through account" have the meanings given those terms in section 5318A of title 31, United States Code.

(B) AGENT.—The term "agent" includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

(C) FINANCIAL INSTITUTION.—The term "financial institution" means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(D) FOREIGN FINANCIAL INSTITUTION; DOMESTIC FINANCIAL INSTITUTION.—The terms "foreign financial institution" and "domestic financial institution" shall have the meanings of those terms as determined by the Secretary of the Treasury.

(E) MONEY LAUNDERING.—The term "money laundering" has the meaning given the

1 term "money laundering and related financial
2 crime" in section 5340 of title 31, United
3 States Code.
4 (2) OTHER DEFINITIONS.—The Secretary of
5 the Treasury may further define the terms used in
6 this section in the regulations prescribed under this
7 section.

Page 41, after line 23, insert the following:

8 **SEC. 106. FACILITATING THE ELIMINATION OF SYRIA'S**
9 **WEAPONS OF MASS DESTRUCTION.**
10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the President should utilize existing authorities,
12 including the Cooperative Threat Reduction program and
13 the Nonproliferation and Disarmament Fund, to accom-
14 plish the objectives of subsection (b).
15 (b) OBJECTIVES.—Notwithstanding any other provi-
16 sion of law, the President is authorized to assist a post-
17 Assad transitional government of Syria to secure, disable,
18 remove, destroy, and establish verifiable safeguards
19 against the proliferation of—
20 (1) Syria's chemical and biological weapons and
21 any elements of a nuclear weapons program;
22 (2) Syria's radiological materials and related
23 sensitive materials and their delivery systems; and

(3) precursor and constituent parts and production equipment of—

(A) weapons described in paragraph (1); and

(B) materials described in paragraph (2).

(c) DRAWDOWN AUTHORITY.—The President may direct the drawdown of articles and services from any United States Government department or agency to carry out this section. The aggregate value of such articles and services that are drawn down may not to exceed $250,000,000 in any fiscal year.

(d) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the President may use funds appropriated under any other provision of law for any fiscal year to carry out this section.

(e) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Except as provided in subparagraph (B), not less than 15 days before directing the drawdown of articles or services from any United States Government department or agency under subsection (c) or using any funds appropriated under any other provision of law under subsection (d), the President shall transmit to Congress a report on the proposed drawdown of articles or

1 services or use of funds (as the case may be). The
2 report shall specify—
3 (A) the account, budget activity, and par-
4 ticular program or programs from which the
5 drawdown of articles or services or the funds
6 proposed to be obligated are to be derived and
7 the amount of the articles or services or the
8 amount of funds proposed to be obligated; and
9 (B) the activities and forms of assistance
10 for which the articles or services will be used or
11 the funds will be obligated.
12 (2) EXCEPTION.—The President may direct the
13 drawdown of articles or services from any United
14 States Government department or agency under sub-
15 section (c) or use any funds appropriated under any
16 other provision of law under subsection (d) without
17 prior notification to Congress in accordance with
18 paragraph (1) if not less than 5 days after exer-
19 cising any such authority the President transmits to
20 Congress a report that contains a determination of
21 the President that an emergency exists that requires
22 the immediate exercise of such authority and the
23 reasons therefor.
24 (f) QUARTERLY REPORT.—Not later than 30 days
25 after the end of each calendar quarter during which the

President is utilizing existing authorities to accomplish the objectives of subsection (b), the President shall transmit to Congress a report on such efforts. The report shall set forth, for such calendar quarter and cumulatively, the following:

(1) A description of each activity and the forms of assistance.

(2) The total amount of funds obligated or expended for each activity and the purpose of the funds.

(3) The source of the funds obligated or expended for each activity, as described in subsection (c) or (d).

(4) A description of the participation of any United States Government department or agency in each activity.

(5) Such other information as the President determines to be appropriate to fully inform Congress concerning such efforts.

Page 83, line 22, strike "and".

Page 83, after line 22, insert the following:

(iii) heavy weapons such as battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, at-

1 tack helicopters, warships, missiles, and
2 missile systems; and

Page 83, line 23, strike "(iii)" and insert "(iv)".

Page 85, after line 11, insert the following:

3 (d) DENIAL OF VISAS.—The Secretary of State shall
4 deny a visa to, and the Secretary of Homeland Security
5 shall exclude from the United States, the following:
6 (1) A person on the list required by subsection
7 (b).
8 (2) A person that the Secretary of State deter-
9 mines is a person who, on or after the date of the
10 enactment of this Act, is—
11 (A) a corporate officer, principal, or share-
12 holder with a controlling interest in the person
13 described in paragraph (1);
14 (B) a corporate officer, principal, or share-
15 holder with a controlling interest in a successor
16 entity to or a parent or subsidiary of the person
17 described in paragraph (1); and
18 (C) a corporate officer, principal, or share-
19 holder with a controlling interest in an affiliate
20 of the person described in paragraph (1) if—
21 (i) the affiliate engages in an activity
22 described in subsection (a)(2); and

1 (ii) the affiliate is controlled in fact by
2 the person described in paragraph (1).

Page 88, line 25, strike "and" and insert "or".

Page 90, after line 24, add the following:

3 **SEC. 605. WAIVER.**

4 (a) IN GENERAL.—The President may waive the pro-
5 visions of this Act on a case-by-case, 6-month basis if the
6 President determines and transmits to the appropriate
7 congressional committees a report not less than 15 days
8 prior to the exercise of the waiver authority that failure
9 to exercise the waiver authority would pose an unusual
10 and extraordinary threat to the vital national security in-
11 terests of the United States.

12 (b) CONTENTS OF REPORT.—Each report required
13 under subsection (a) shall provide a specific and detailed
14 rationale for the determination of the President under
15 subsection (a), including the extent to which the Govern-
16 ment of Syria has met the requirements of section 103.

Chairman ROS-LEHTINEN. So without objection, amendment 110 offered by the Chair, which members have before them, is made the pending business of the committee and is considered read.

Before turning to the ranking member and any other members seeking recognition on the Syria measure, I recognize myself to speak. Today the committee is marking up legislation to address the threat posed by the Syrian regime to our Nation, to our interests, and to our allies. It is fitting that we should be marking up this legislation at this time, as this week marks the 1 year anniversary of the beginning of the current protests against the Syrian regime, and for those who thought of and referred to Assad as some kind of reformer and that any engagement will ultimately bear fruit, the facts have proved them wrong, proven them wrong.

The regime that some rushed to engage has been doing the following: They have been on the State Department State Sponsor of Terrorism List since 1979, well-earned, maintained a strategic partnership with the Iranian regime as well as with Hamas and Hezbollah, aided and abetted the entry of foreign fighters into Iraq who killed our young men and women serving in uniform there, repeatedly retained extensive chemical weapons and ballistic missile capabilities, and pursued a secret nuclear program reportedly with North Korea's assistance, and now the regime is waging war against the Syrian people who are being killed on a daily basis as they exercise their fundamental freedoms.

Assad's regime is digging in for a long-term war, and news reports indicate that the regime is bragging about mass cleansing. The bloody assault on the city of Homs and other areas in the country clearly show the regime will not release a stranglehold on the Syrian people. Congress must, once again, lead the effort to clarify U.S. policy and provide all with the necessary tools and guidance to address the situation in Syria, the threats posed by the Assad regime to the United States, our interests, and our allies.

To that end, we are marking up H.R. 2106, the bipartisan Syrian Freedom Support Act. This bill strengthens sanctions against the Syrian regime, enhances multilateral commitment to address the Syrian regime's threatening policy, and establishes a program to support a transition to a democratically-elected government in Syria.

H.R. 2106 states that it is the objective of U.S. policy to deny the Syrian regime the ability to carry out, and ultimately, we hope, to abandon its support for foreign terrorist organization, its development of dangerous weapons programs, its intervention in the affairs of the Lebanese Government, and the oppression of its own people in Syria.

H.R. 2106 also strengthens existing U.S. laws, targeting the Syrian regime's weapons programs and imposes extensive sanctions on Iran's energy sector. The bill also authorizes financial and political assistance to entities that support a peaceful, democratic transition in Syria and requires the Secretary of State to submit a strategy to support a transition to a democratic government in Syria.

Finally, H.R. 2106 also seeks to address the Syrian regime's gross human rights abuses by imposing sanctions against senior regime officials responsible for such abuses. I would conclude by noting that Congress last enacted Syria sanctions in 2003 when we

adopted the Syria Accountability and Lebanese Sovereignty Restoration Act, coauthored by me and my friend and colleague from New York, Mr. Engel.

In the almost 9 years since, the threat posed by the Syrian regime against the U.S., our allies, and the Syrian people has grown steadily, but U.S. efforts to address this threat has not risen proportionately. So, I am pleased that Mr. Engel and I have been able to team up again to sponsor legislation that has, that we have worked with our ranking member, my good friend from California, Mr. Berman, to include additional financial sanctions, a visa ban on persons who provide the Syrian regime with military equipment, a mechanism for the disposal of Syrian chemical, biological, and nuclear materials once a post-Assad transition government is in place.

I appreciate the ranking member's cosponsorship, his strong support for the bill, and with that, I am pleased to recognize my friend from California, Mr. Berman, for his remarks.

Mr. BERMAN. Well, thank you very much, Madam Chairman, and I want to thank you for introducing the legislation with our colleague Elliott Engel, who has been so involved in these issues for such a long time, and for working with me closely on the amendment in the nature of a substitute, and on this manager's amendment to accommodate some of my concerns. I am now a cosponsor of this bill, and I encourage my colleagues to support it as well.

Madam Chairman, the Arab Spring has brought about both hope and bloodshed. We have all seen the video clips from Syria. They are heart rending, especially the barbaric bombardment of Homs. Bashar al-Assad's ceaseless pounding of that defenseless city, as well as similar actions throughout the country, have proven conclusively that he is nothing but a chip off the old block of his late father.

I have spoken previously about the fact that our interests and our values are in perfect sync in seeking the collapse of the Assad regime. Assad's downfall would almost certainly lead to more humane governance in Syria. It would also likely mean the demise of the Iranian presence in Syria and would be a blow to Hezbollah's cynical sway in Lebanon. This bill will certainly help us accomplish the first by tightening the financial noose around Assad's neck, already tied very tight by the Obama administration.

As for the second part of the equation, building a peace-loving democracy in Syria, I now believe that this bill with the changes to which the chairman has so graciously consented, does not impede that prospect, either. We want to make sure that our actions in this body, to the extent possible, provide incentives for democratic forces, not discourage them. In that regard, I truly want to thank the chairman for agreeing to modify the bill so that the President has the flexibility to make sure that the sins of Assad will not be automatically visited and attributed to a successor regime.

No issue concerns me more deeply than that of the disposition of Syria's weapons of mass destruction. We should all be worried that in the aftermath of civil war and weakened central control, Syria's stockpiles of chemical weapons, biological agents, and precursors could leave the country and fall into the hands of terrorist

groups. In order to meet this threat, we have added to the bill a provision that would authorize the President to use the existing authorities of Nunn-Lugar cooperative threat reduction program and the Nonproliferation and Disarmament Fund at State to work with officials and scientists in the post-Assad Syria. It would also allow them to transfer whatever funds and draw down whatever U.S. resources are necessary in support of this objective. We have added a provision that would deny visas to executives, shareholders, and other senior officials of companies, many of them from Russia and China that continue to arm the Assad regime, knowing full well that their weapons will be used to sustain the regime's murderous assault on its own people, and we have added a third provision, similar to the one in CISADA that would impose severe sanctions on foreign banks that engage in or facilitate transactions with Syria, Syria's security services or its armed forces or to facilitate withdrawal of foreign currency reserves for the Syrian Government.

Finally, Madam Chair, finally, as you know I will be offering an amendment that will call for Bashar al-Assad and senior regime officials to be referred to an international tribunal to be tried for crimes against humanity and other gross human rights violations.

Madam Chairman, we, and particularly our staffs, have put in a lot of hours to produce a bill with wonderful, worthy objectives of ending the tyranny of the Assad regime, replacing it with a humane successor. In pursuing these efforts, I know we have all been ever mindful of the memory of the tens of thousands of innocents killed by the Assad family and of the remarkably courageous men and women who continue to protest daily throughout Syria and who do so in the face of some of the worst brutality imaginable. I yield back.

Chairman ROS-LEHTINEN. Thank you. Absolutely, Mr. Berman. Thank you for that statement. I am pleased to yield to Mr. Rohrabacher time to address the issues before us.

Mr. ROHRABACHER. Thank you very much, Madam Chairman. The Syria bill is a carefully-measured approach to a horrendous, but at the same time, dangerous situation. In the not-so-distant past, we have rushed into conflicts and to commitments that have proven disastrous. Yes, we should support those brave people struggling for freedom, as this bill does, but let us keep in mind that we cannot do their fighting for them, and there are lines to which we should not cross.

Making the situation more complicated we don't seem to have any of the management skills that are necessary to help transitions when such efforts as we are now seeing in Syria succeed. So we can't manage the transition from an oppressive regime, when it is overthrown, to a more democratic system. We just—as time has proven, we haven't been able to do it. We failed in Iraq after spending a $1 trillion and losing thousands of lives with even more crippled by their wounds.

And after all of that, we now have a government in Baghdad that is aligning itself with an anti American Mullah regime in Iran. And of course, we have also left in Iraq a mountain of military equipment that now may be used against our friends.

The situation in Libya, of course, is unclear but in Egypt, of course, it is also reason for serious concern. In Afghanistan we have established a corrupt and incompetent government, and have pushed to the sidelines our Afghan allies in the northern alliance who actually drove the Taliban from power back in 2001. Our strategy there cost $0.5 trillion and thousands of more dead and wounded Americans without producing a victory or a government that can be sustained without our continued military presence. So let's pray that America has learned something from these recent disastrous interventions.

And this bill that we have today is measured and is thoughtful. But let's keep these things, these past situations in mind, and the first lesson, of course, as we move forward and decide how we are going to approach that part of the world is perhaps we should start by making sure we have learned the lesson and we recognize that Pakistan is no longer our friend, and that we should cut Pakistan's military off from any U.S. aid.

The fact is that we can have an influence in that part of the world, whether it is Syria or the Persian Gulf or in south Asia by working with other countries that have our same interests and share, would share the same defeats and the same threats that we face, namely India and Russia, and the central Asian Republics face that same threat. So we need to make sure that we have learned the lessons in that part of the world and not rush in whether it is Syria or anywhere else.

So I rise in favor of this piece of legislation, but I do so with a warning that while this bill is crafted well and puts us on the side of those who are fighting for freedom, we should not, again, be lured into a situation where we are doing the fighting for people who should be fighting for their own liberty and trying to take over their job of transitioning their country from a dictatorship into a more democratic society. Thank you very much.

Chairman ROS-LEHTINEN. Thank you, Mr. Rohrabacher. So pleased to yield to one of the sponsors of the legislation, Mr. Engel of New York.

Mr. ENGEL. Thank you, Madam Chair. I rise to strike the last word, and I rise in strong support of H.R. 2106 the Syria Freedom Support Act. We reached a critical juncture in Syria, and this bill is critically important, but before discussing the bill, I would first, Madam Chair, like to extent my deepest words of appreciation to you and the ranking member for your hard work to reach a compromise on the bill. And Madam Chair, let me say you have been my partner on several pieces of legislation through the years related to Syria. We did the Syria Accountability Act together in 2003 and 2004, and I want to thank you personally and your staff for your leadership and for our efforts together. Thank you.

To our ranking member, I thank you and your staff for your excellent work, without with which could not have reached today's successful agreement. As the lead Democratic cosponsor of this bill, I am keenly aware that both of you showed the best in the legislative process, sometimes hard fought, but always with the desire to reach a mutually acceptable goal.

Colleagues, innocent civilians are again dying by the thousands in Syria and it is time that Congress act. Just over 8 years ago,

as I mentioned before, we passed the Syria Accountability, in Lebanese Sovereignty Restoration Act which the chair and I authored to respond to Syrian excesses. That law was a good law and had many accomplishments. But it had mixed results. Yes, Syrian Armed Forces are out of Lebanon, but no, Syria still supports terrorism, maintains weapons of mass destruction and work to undermine our efforts in Iraq, and work to undermine our efforts all over the globe.

Today, however, events in Syria have gotten much worse and a stronger response is needed. So the Syria Freedom Support Act, Madam Chair, could not have come at a better time. We need to increase the pressure on the Assad regime and this bill does just that. But I think we need to do even more. What happens in Syria is not only critical to the country citizens, but events there affect everyone around them. If the Assad regime falls, Iran loses its only ally in the region, and Hezbollah loses the main conduit for its weapons and cash.

I am aware of concerns of a sectarian civil war in Syria. But frankly, I don't see how it could get much worse there. And it is hard to imagine what comes after Assad being worse either. Thus, I was glad to read in today's cable blog that the Obama administration is moving to provide direct assistance to the internal opposition in Syria for the first time, marking a shift in U.S. policy toward a more aggressive plan to help oust President Bashar al-Assad. I read Senator McCain has also, I think, made some very thoughtful comments on this. I don't think we can sit by and let this just continue. I think the world needs a response; if there was a response in Libya, there should be a response in Syria. So this is the right direction, I applaud the administration, and urge us to move ahead with all speed.

So Madam Chair, again, our passage of the Syria Freedom Support Act is timely and urgent, and as always, you are always right on top of these important matters. And as your lead Democratic cosponsor of the bill, I urge all of our colleagues on both sides of the aisle to vote in favor and I yield back.

Chairman ROS-LEHTINEN. Thank you very much. Now I yield to Mr. Smith to speak about the human rights aspects of this bill.

Mr. SMITH. First of all, let me thank you, Madam Chair, Howard Berman and Eliot Engel for putting together a very responsible, well-calibrated, well-crafted piece of legislation. I especially want to point out a section—and associate myself with your remarks because you explain in great detail what the bill includes. I think section 505 really is part of what we should be doing with so many bills, and that is focusing on sanctioning the very people who commit the crimes, who torture, who commit crimes against humanity. Rather than just punishing the entire country, it focuses on those who actually do the mischief and commit the crimes. So I want to especially thank you for section 505, and ask, unanimous consent to revise and extend my remarks, for the bill.

Chairman ROS-LEHTINEN. Without objection.

Thank you. Seeing no other baseball signals, seeking recognition on the Syria bill, the pending question is on the bipartisan Manager's amendment. All those in favor, say aye.

All opposed, no. In the opinion of the Chair the ayes have it. And the Manager's amendment is agreed to.

I now recognize the ranking member to offer his amendment to the base text and thank him for incorporating edits required by myself.

Mr. BERMAN. Thank you. Madam Chair, I have an amendment.

Chairman ROS-LEHTINEN. The clerk will report the amendment.

Ms. CARROLL. Amendment to amendment in the nature of a substitute to H.R.——

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2106 OFFERED BY MR. BERMAN OF CALIFORNIA

In title VI, redesignate sections 601 and 602 as sections 602 and 603, respectively.

In title VI, insert before section 602, as redesignated, the following:

1 **SEC. 601. STATEMENT OF POLICY ON REFERRAL OF SYRIAN**
2 **PRESIDENT BASHAR AL ASSAD AND CERTAIN**
3 **OTHER SENIOR MEMBERS OF THE GOVERN-**
4 **MENT OF SYRIA TO A RELEVANT INTER-**
5 **NATIONAL TRIBUNAL.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The Government of Syria, under the leader-
8 ship of President Bashar al Assad, has killed more
9 than 7,500 people since March 2011 according to
10 senior United Nations officials.

11 (2) United Nations Undersecretary for Political
12 Affairs Lynn Pascoe told the Security Council, ''The
13 Syrian government . . . has subjected residents in
14 several cities to indiscriminate bombardment by tank
15 and rocket fire, killing its own people in ways remi-

1 niscent of the Hama massacre perpetrated by the
2 Syrian government in 1982.''.
3 (3) The Report of the Independent Inter-
4 national Commission of Inquiry on the Syrian Arab
5 Republic stated, ''A reliable body of evidence exists
6 that, consistent with other verified circumstances,
7 provides reasonable grounds to believe that par-
8 ticular individuals, including commanding officers
9 and officials at the highest levels of government,
10 bear responsibility for crimes against humanity and
11 other gross human rights violations.''.
12 (4) United Nations investigators stated that
13 they received credible and consistent evidence identi-
14 fying high- and mid-ranking members of the Syrian
15 armed forces who ordered their subordinates to
16 shoot at unarmed protesters, kill soldiers who re-
17 fused to obey such orders, arrest people without
18 cause, mistreat detained persons and attack civilian
19 neighborhoods using machine guns and armored
20 tanks.
21 (5) Humanitarian aid agencies have been
22 blocked by the Government of Syria from delivering
23 aid to affected areas.
24 (6) By the end of December 2011, nearly 5,000
25 refugees had registered with the Office of the United

1 Nations High Commissioner for Refugees in Leb-
2 anon and approximately 10,000 have fled to Turkey.
3 (b) STATEMENT OF POLICY.—It is the policy of the
4 United States—
5 (1) to seek through the United Nations Secu-
6 rity Council the referral to a relevant international
7 tribunal of Syrian President Bashar al Assad and
8 other senior members of the Government of Syria
9 who are directly implicated in crimes committed
10 against the people of Syria; and
11 (2) to work bilaterally and multilaterally to en-
12 sure the Government of Syria cooperates fully with
13 and provides any necessary assistance to the rel-
14 evant international tribunal pursuant to relevant
15 United Nations Security Council resolutions.

Chairman ROS-LEHTINEN. Without objection, the amendment is considered read and the gentleman is recognized for 5 minutes to explain his amendment.

Mr. BERMAN. Thank you very much. This won't take 5 minutes, Madam Chair. This is a very straightforward amendment. It makes clear that it is the policy of the United States to seek the referral of Bashar al-Assad and other senior members of his regime to an international tribunal. There is no doubt that Bashar al-Assad is a war criminal. The U.N. High Commissioner for Human Rights has accused the Syrian leadership for crimes against humanity. The Independent International Commission of Inquiry on Syria found that the Assad regime has committed widespread, systematic and gross human rights violations. Independent reports from Homs and other Syrian cities paint a horrific picture of violence on a nearly unimaginable scale, much of it perpetrated against civilians.

Assad and his cronies should stand trial for their crimes. Perhaps the Russians and the Chinese may block attempts to hold Assad accountable, but there should be no ambiguity in the position of our Government on this issue.

To those that argue that trying Assad for war crimes will lessen his motivation to leave office peaceably, I have to ask whether a man who shells his own cities, deploys snipers against peaceful demonstrators, refuses Red Cross access to trapped and injured civilians, will ever hand over power on his own volition. No, I don't imagine that the threat of being sent to an international tribunal keeps the Assad family awake at night. Rather, I suspect it is the untold number of voices throughout Syria clamoring for freedom and the end of Assad's dictatorial regime. I yield back.

Chairman ROS-LEHTINEN. Well, said. Thank you. The Chair will recognize herself. I am pleased that we were able to work out the agreement on the text of the ranking member's amendment. We all agree that al-Assad has committed horrific atrocities against the people of Syria. We all agree that he must be held accountable for those atrocities. While the ranking member and I may differ as to precisely where Assad should be held accountable, we do agree on the goal of accountability, and I am glad that we were able to finalize an agreement text that focuses on those areas of agreement.

Hearing no further request for recognition, the pending question is on the Berman amendment. All those in favor, say aye.

All opposed, no. In the opinion of the Chair, the ayes have it and the Berman agreement is agreed to.

Hearing no further amendments to this measure, the question occurs on agreeing to the base agreement in the nature of a substitute as amended. All those in favor say aye.

All opposed, no. In the opinion of the Chair, the ayes have it, and the amendment in the nature of a substitute as amended is agreed to.

Without objection, the underlying bill, H.R. 2106, as amended, is agreed to and is favorably reported and will be reported as a single amendment in the nature of a substitute. Staff are directed to make technical and conforming changes.

Now according to the expedited procedure shared with all members yesterday we will consider and approve all of the remaining measures en bloc. Afterwards, I will recognize myself, the ranking

member and any other members seeking recognition for any remarks they would like to make. All of these items are in the packets in front of the members and were provided to your offices earlier this week.

And so without objection, the following measures are considered as read and will be considered en bloc: H.R. 890, the Holocaust Insurance Accountability Act; Ros-Lehtinen amendment 107 to H.R. 890; H.R. 1410, the Vietnam Human Rights Act; the Smith amendment 68 to H.R. 1410; Connolly amendment 127 to H.R. 1410; the Rohrabacher amendment 52 to H.R. 1410; H.R. 3783, the Countering Iran in the Western Hemisphere Act; the Duncan amendment 40 to H.R. 3783 as adopted by the Subcommittee on Terrorism, Nonproliferation, and Trade; the Duncan amendment 42 to H.R. 3783; H.R. 4041, the Export Promotion Reform Act; and Senate Concurrent Resolution 17, expressing the sense of Congress that Taiwan should be afforded observer status in the international civil aviation organization.

[The en bloc amendments follow:]

I

112TH CONGRESS
1ST SESSION

H. R. 890

To allow for the enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2011

Ms. ROS-LEHTINEN (for herself and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on 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

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A BILL

To allow for the enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Insurance Accountability Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Holocaust, an event in which millions of people endured enormous suffering through torture and other violence, including the murder of 6,000,000 Jews and millions of others, the destruction of families and communities, and the theft of their assets, was one of the most heinous crimes in human history.

(2) Before and during World War II, millions of people purchased insurance policies to safeguard family assets, plan for retirement, provide for a dowry, or save for their children's education.

(3) When Holocaust survivors and heirs and beneficiaries of Holocaust victims presented claims to insurance companies after World War II, many were rejected because they did not have death certificates or physical possession of policy documents that had been confiscated by the Nazis or lost in the devastation of the Holocaust.

(4) In many instances, insurance company records and records in government archives are the only proof of the existence of insurance policies belonging to Holocaust victims.

(5) Holocaust survivors and heirs and beneficiaries of Holocaust victims have been attempting

for decades to persuade insurance companies to settle unpaid insurance claims.

(6) In 1998, the International Commission on Holocaust Era Insurance Claims (in this section referred to as "ICHEIC") was established by the National Association of Insurance Commissioners in cooperation with several European insurance companies, European regulators, the Government of Israel, and nongovernmental organizations with the promise that it would expeditiously address the issue of unpaid insurance policies issued to Holocaust victims.

(7) On July 17, 2000, the United States and Germany signed an executive agreement in support of the German Foundation "Remembrance, Responsibility, and the Future", which designated ICHEIC to resolve all Holocaust-era insurance policies issued by German companies and their subsidiaries.

(8) On January 17, 2001, the United States and Austria signed an executive agreement, which designated ICHEIC to resolve all Holocaust-era insurance policies issued by Austrian companies and their subsidiaries.

(9) The ICHEIC process ended in 2007 and companies holding Holocaust-era insurance policies continue to withhold names of owners and bene-

1 ficiaries of thousands of insurance policies sold to
2 Jewish customers prior to World War II.
3 (10) Experts estimate that only a small fraction
4 of the policies estimated to have been sold to Jews
5 living in Europe at the beginning of World War II
6 have been paid through ICHEIC.
7 (11) In American Insurance Association, Inc.,
8 v. Garamendi, the United States Supreme Court
9 held that under the supremacy clause of the Con-
10 stitution of the United States, executive agreements
11 and executive foreign policy calling for insurance
12 claims against German and Austrian companies to
13 be handled within ICHEIC preempted State laws
14 authorizing State insurance commissioners to sub-
15 poena company records and require publication of
16 the names of Holocaust era policy holders.
17 (12) In the Garamendi case, the Supreme
18 Court stated that Congress, which has the power to
19 regulate international commerce and prescribe Fed-
20 eral court jurisdiction, had not addressed disclosure
21 and restitution of insurance policies of Holocaust
22 victims.
23 (13) Subsequent court decisions have dismissed
24 Holocaust-era insurance claims brought against an
25 Italian insurance company, even though there is no

1 executive agreement between the United States and
2 Italy.
3 (14) Congress supports the rights of Holocaust
4 survivors and the heirs and beneficiaries of Holo-
5 caust victims to obtain information from insurers
6 and to bring legal actions in courts, wherever juris-
7 diction requirements are met, to recover unpaid
8 funds from entities that participated in the theft of
9 family insurance assets or the affiliates of such enti-
10 ties.
11 (15) Congress intends for this Act to establish
12 a Federal private right of action to allow Holocaust
13 survivors and heirs and beneficiaries of victims to re-
14 cover under their covered Holocaust-era insurance
15 policies, and to allow for State causes of action and
16 disclosure requirement laws regarding Holocaust-era
17 insurance policies to be valid and not preempted.
18 (16) This Act expresses the intent of Congress
19 to deem valid State laws protecting the rights of
20 Holocaust survivors and the heirs and beneficiaries
21 of Holocaust victims to obtain information from in-
22 surers and to bring actions in courts of proper juris-
23 diction to recover unpaid funds from entities that
24 participated in the theft of family insurance assets
25 or the affiliates of such entities.

(17) Insurance payments should be expedited to the victims of the most heinous crime of the 20th century to ensure that justice is served.

(18) This Act will enable Holocaust survivors and heirs and beneficiaries of Holocaust victims to obtain compensation commensurate with the real monetary value of their losses.

(19) Under the circumstances faced by Holocaust victims and their families, courts should be open to Holocaust survivors and heirs and beneficiaries of Holocaust victims for a reasonable number of years after the enactment of this Act, without regard to any other statutes of limitation.

SEC. 3. PRIVATE RIGHT OF ACTION.

(a) CIVIL ACTIONS TO RECOVER UNDER COVERED POLICIES.—Any person who purchased a covered policy, or a beneficiary or heir of such person, may bring a civil action, in the appropriate United States district court, against the insurer for the covered policy or a related company of the insurer, to recover proceeds due under the covered policy or otherwise to enforce any rights under the covered policy.

(b) NATIONWIDE SERVICE OF PROCESS.—For a civil action brought under subsection (a), process may be served in the judicial district where the case is brought

1 or any other judicial district of the United States where
2 the defendant may be found, resides, has an agent, or
3 transacts business.

4 (c) REMEDIES.—A court shall award to a prevailing
5 beneficiary in a civil action brought under subsection (a)—

6 (1) the amount of the proceeds due under the
7 covered policy;

8 (2) prejudgment interest on the amount de-
9 scribed in clause (i) from the date the amount was
10 due until the date of judgment, calculated at a rate
11 of 6 percent per year, compounded annually; and

12 (3) any other appropriate relief necessary to en-
13 force rights under the covered policy.

14 **SEC. 4. VALIDITY OF STATE LAWS.**

15 (a) VALIDITY OF LAWS CREATING CAUSE OF AC-
16 TION.—Any State law creating a cause of action against
17 any insurer or related company based on a claim arising
18 out of or related to a covered policy shall not be invalid
19 or preempted by reason of any executive foreign policy de-
20 scribed in subsection (d)(1) or any executive agreement
21 described in subsection (d)(2).

22 (b) VALIDITY OF LAWS REQUIRING DISCLOSURE OF
23 INFORMATION.—Any State law that is enacted on or after
24 March 1, 1998, and that requires an insurer doing busi-
25 ness in that State, including any related company, to dis-

1 close information regarding any covered policy shall be
2 deemed to be in effect on the date of the enactment of
3 such law and shall not be invalid or preempted by reason
4 of any executive foreign policy described in paragraph (1)
5 of subsection (d) or any executive agreement described in
6 paragraph (2) of subsection (d).

7 (c) EXECUTIVE AGREEMENTS AND EXECUTIVE FOR-
8 EIGN POLICY COVERED.—

9 (1) EXECUTIVE FOREIGN POLICY.—An execu-
10 tive foreign policy described in this paragraph is a
11 foreign policy of the executive branch of the Federal
12 Government established before, on, or after the date
13 of enactment of this Act.

14 (2) EXECUTIVE AGREEMENTS.—An executive
15 agreement described in this paragraph is an execu-
16 tive agreement between the United States and a for-
17 eign government entered into before, on, or after the
18 date of enactment of this Act.

19 (d) STATEMENTS OF INTEREST.—No funds may be
20 used by the Department of State, or any other department
21 or agency of the United States, for the purpose of issuing
22 a statement of interest seeking to encourage a court in
23 the United States to dismiss any claim or action brought
24 to recover compensation arising out of or related to a cov-
25 ered policy.

SEC. 5. STATUTE OF LIMITATIONS.

A court may not dismiss a claim or action that is brought under section 3, or under subsection (a) or (b) of section 4, within 10 years after the date of the enactment of this Act on the ground that the claim or action is barred under any statute of limitations or the doctrine of laches.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—This Act shall apply to any claim or action that is brought, before, on, or after the date of the enactment of this Act, under section 3, or under a State law described in subsection (a) or (b) of section 4, including—

(1) any claim or action dismissed, before the date of the enactment of this Act, on the ground of executive preemption; and

(2) any claim or action that is deemed released as a result of the settlement of a class action that was entered into before the date of the enactment of this Act, if the claimant did not receive any payment pursuant to the settlement.

(b) CLAIMS OR ACTIONS NOT PRECLUDED ON CERTAIN GROUNDS.—With respect to any claim or action brought under section 3, or under a State law described in subsection (a) or (b) of section 4, it shall not be a defense that the claim or action is or was precluded, barred,

1 waived, discharged, or otherwise invalid under the doctrine
2 of res judicata, collateral estoppel or any similar doctrine.
3 **SEC. 7. DEFINITIONS.**
4 In this Act:
5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term "appropriate congressional com-
7 mittees" means the Committee on Foreign Affairs in
8 the House of Representatives, the Committee on
9 Foreign Relations in the Senate, and the Commit-
10 tees on the Judiciary of the House of Representa-
11 tives and the Senate.
12 (2) COVERED POLICY.—
13 (A) IN GENERAL.—The term "covered pol-
14 icy" means any life, dowry, education, property,
15 or other insurance policy that—
16 (i) was in effect at any time after
17 January 30, 1933, and before December
18 31, 1945; and
19 (ii) was issued to a policyholder domi-
20 ciled in any area that was occupied or con-
21 trolled by Nazi Germany.
22 (B) NAZI GERMANY.—In this paragraph,
23 the term "Nazi Germany" means—
24 (i) the Nazi government of Germany;
25 and

1 (ii) any government in any area occu-
2 pied by the military forces of the Nazi gov-
3 ernment of Germany.
4 (3) INSURER.—The term "insurer" means any
5 person engaged in the business of insurance (includ-
6 ing reinsurance) in interstate or foreign commerce,
7 if the person issued a covered policy, or a successor
8 in interest to such person.
9 (4) LEGISLATIVE DAYS.—The term "legislative
10 days" means those days on which both Houses of
11 Congress are in session.
12 (5) RELATED COMPANY.—The term "related
13 company" means an affiliate, as that term is defined
14 in section 104(g) of the Gramm-Leach-Bliley Act
15 (15 U.S.C. 6701(g)).

○

AMENDMENT TO H.R. 890

OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Page 1, strike lines 3 through 5 and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Tom Lantos Justice
3 for Holocaust Survivors Act".

Page 7, line 9, strike "clause (i)" and insert "paragraph (1)".

Page 7, line 20, strike "(d)" and insert "(c)".

Page 7, line 21, strike "(d)" and insert "(c)".

Page 8, line 5, strike "(d)" and insert "(c)".

Page 8, line 6, strike "(d)" and insert "(c)".

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112TH CONGRESS
1ST SESSION

H. R. 1410

To promote freedom and democracy in Vietnam.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2011

Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To promote freedom and democracy in Vietnam.

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 "Vietnam Human Rights Act of 2011".

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. Findings and purpose.
Sec. 3. Prohibition on increased nonhumanitarian assistance to the Government of Vietnam.
Sec. 4. Assistance to support democracy in Vietnam.
Sec. 5. United States public diplomacy.
Sec. 6. Refugee resettlement for nationals of Vietnam.
Sec. 7. Annual report.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The relationship between the United States and the Socialist Republic of Vietnam has grown substantially since the end of the trade embargo in 1994, with annual trade between the two countries reaching over $15,300,000,000 in 2009.

(2) The Government of Vietnam's transition toward greater economic freedom and trade has not been matched by greater political freedom and substantial improvements in basic human rights for Vietnamese citizens, including freedom of religion, expression, association, and assembly.

(3) The United States Congress agreed to Vietnam becoming an official member of the World Trade Organization in 2006, amidst assurances that the Government of Vietnam was steadily improving its human rights record and would continue to do so.

(4) Vietnam remains a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to deny the right of citizens to change their Government.

(5) Although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly re-

mains subject to the direction of the CPV and the CPV maintains control over the selection of candidates in national and local elections.

(6) The Government of Vietnam forbids public challenge to the legitimacy of the one-party state, restricts freedoms of opinion, the press, and association and tightly limits access to the Internet and telecommunication.

(7) Since Vietnam's accession to the WTO on January 11, 2007, the Government of Vietnam arbitrarily arrested and imprisoned numerous individuals for their peaceful advocacy of religious freedom, democracy, and human rights, including Father Nguyen Van Ly, human rights lawyers Nguyen Van Dai, Le Thi Cong Nhan, Cu Huy Ha Vu, and Le Cong Dinh, and bloggers Nguyen Van Hai and Phan Thanh Hai.

(8) The Government of Vietnam continues to detain, imprison, place under house arrest, convict, or otherwise restrict persons for the peaceful expression of dissenting political or religious views.

(9) The Government of Vietnam has also failed to improve labor rights, continues to arrest and harass labor leaders, and restricts the right to organize independently.

(10) The Government of Vietnam continues to limit the freedom of religion, restrict the operations of independent religious organizations, and persecute believers whose religious activities the Government regards as a potential threat to its monopoly on power.

(11) Despite reported progress in church openings and legal registrations of religious venues, the Government of Vietnam has halted most positive actions since the Department of State lifted the "country of particular concern" (CPC) designation for Vietnam in November 2006.

(12) Unregistered ethnic minority Protestant congregations, particularly Montagnards in the Central Northwest highlands, suffer severe abuses because of actions by the Government of Vietnam, which have included forced renunciations of faith, arrest and harassment, the withholding of social programs provided for the general population, confiscation and destruction of property, subjection to severe beatings, and reported deaths.

(13) There has been a pattern of violent responses by the Government to peaceful prayer vigils and demonstrations by Catholics for the return of Government-confiscated church properties. Pro-

1 testers have been harassed, beaten, and detained
2 and church properties have been destroyed. Catholics
3 also continue to face some restrictions on selection
4 of clergy, the establishment of seminaries and semi-
5 nary candidates, and individual cases of travel and
6 church registration.

7 (14) In May 2010 the village of Con Dau, a
8 Catholic parish in Da Nang, faced escalated violence
9 during a funeral procession as police attempted to
10 prohibit a religious burial in the village cemetery;
11 more than 100 villagers were injured, 62 were ar-
12 rested, and at least three died.

13 (15) The Unified Buddhist Church of Vietnam
14 (UBCV) suffers persecution as the Government of
15 Vietnam continues to restrict contacts and move-
16 ment of senior UBCV clergy for refusing to join the
17 state-sponsored Buddhist organization, the Govern-
18 ment restricts expression and assembly, and the
19 Government continues to harass and threaten UBCV
20 monks, nuns, and youth leaders.

21 (16) The Government of Vietnam continues to
22 suppress the activities of other religious adherents,
23 including Cao Dai and Hoa Hao Buddhists who lack
24 official recognition or have chosen not to affiliate
25 with the state-sanctioned groups, including through

1 the use of detention, imprisonment, and strict Gov-
2 ernment oversight.
3 (17) During Easter weekend in April 2004,
4 thousands of Montagnards gathered to protest their
5 treatment by the Government of Vietnam, including
6 the confiscation of tribal lands and ongoing restric-
7 tions on religious activities. Credible reports indicate
8 that the protests were met with violent response as
9 many demonstrators were arrested, injured, or went
10 into hiding, and that others were killed. Many of
11 these Montagnards and others are still serving long
12 sentences for their involvement in peaceful dem-
13 onstrations in 2001, 2002, 2004, and 2008.
14 Montagnards continue to face threats, detention,
15 beatings, forced renunciation of faith, property de-
16 struction, restricted movement, and reported deaths
17 at the hands of Government officials.
18 (18) Ethnic minority Hmong in the Northwest
19 Highlands of Vietnam also suffer restrictions,
20 abuses, and persecution by the Government of Viet-
21 nam, and although the Government is now allowing
22 some Hmong Protestants to organize and conduct
23 religious activities, some Government officials con-
24 tinue to deny or ignore additional applications for
25 registration, and to persecute churches and believers

1 who do not wish to affiliate with Government-con-
2 trolled religious entities.
3 (19) In 2007, the Government of Vietnam ar-
4 rested, beat, and defrocked several ethnic Khmer
5 Buddhists in response to a peaceful religious protest.
6 The Government continues to restrict Khmer Krom
7 expression, assembly, association, and controls all re-
8 ligious organizations and prohibits most peaceful
9 protests.
10 (20) The Government of Vietnam controls all
11 print and electronic media, including access to the
12 Internet, jams the signals of some foreign radio sta-
13 tions, including Radio Free Asia, and has detained
14 and imprisoned individuals who have posted, pub-
15 lished, sent, or otherwise distributed democracy-re-
16 lated materials.
17 (21) People arrested in Vietnam because of
18 their political or religious affiliations and activities
19 often are not accorded due legal process as they lack
20 full access to lawyers of their choice, may experience
21 closed trials, have often been detained for years
22 without trial, and have been subjected to the use of
23 torture to admit crimes they did not commit or to
24 falsely denounce their own leaders.

(22) Vietnam continues to be a source country for the commercial sexual exploitation and forced labor of women and girls, as well as for men and women legally entering into international labor contracts who subsequently face conditions of debt bondage or forced labor, and is a destination country for child trafficking and continues to have internal human trafficking.

(23) Although the Government of Vietnam reports progress in combating human trafficking, it does not fully comply with the minimum standards for the elimination of trafficking, and is not making substantial efforts to comply.

(24) United States refugee resettlement programs, including the Humanitarian Resettlement (HR) Program, the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, general resettlement of boat people from refugee camps throughout Southeast Asia, the Amerasian Homecoming Act of 1988, and the Priority One Refugee resettlement category, have helped rescue Vietnamese nationals who have suffered persecution on account of their associations with the United States or, in many cases, because of such associations by their spouses, parents, or other

1 family members, as well as other Vietnamese nation-
2 als who have been persecuted because of race, reli-
3 gion, nationality, political opinion, or membership in
4 a particular social group.

5 (25) While previous programs have served their
6 purposes well, a significant number of eligible refu-
7 gees from Vietnam were unfairly denied or excluded,
8 including Amerasians, in some cases by vindictive or
9 corrupt Vietnamese officials who controlled access to
10 the programs, and in others by United States per-
11 sonnel who imposed unduly restrictive interpreta-
12 tions of program criteria. In addition, the Govern-
13 ment of Vietnam has denied passports to persons
14 who the United States has found eligible for refugee
15 admission.

16 (26) Congress has passed numerous resolutions
17 condemning human rights abuses in Vietnam, indi-
18 cating that although there has been an expansion of
19 relations with the Government of Vietnam, it should
20 not be construed as approval of the ongoing and se-
21 rious violations of fundamental human rights in
22 Vietnam.

23 (b) PURPOSE.—The purpose of this Act is to promote
24 the development of freedom and democracy in Vietnam.

1 **SEC. 3. PROHIBITION ON INCREASED NONHUMANITARIAN**
2 **ASSISTANCE TO THE GOVERNMENT OF VIET-**
3 **NAM.**

4 (a) ASSISTANCE.—

5 (1) IN GENERAL.—Except as provided in sub-
6 section (b), the Federal Government may not pro-
7 vide nonhumanitarian assistance to the Government
8 of Vietnam during any fiscal year in an amount that
9 exceeds the amount of such assistance provided dur-
10 ing fiscal year 2011 unless—

11 (A) the Federal Government provides as-
12 sistance, in addition to the assistance author-
13 ized under section 4, supporting the creation
14 and facilitation of human rights training, civil
15 society capacity building, noncommercial rule of
16 law programming, and exchange programs be-
17 tween the Vietnamese National Assembly and
18 the United States Congress at levels commensu-
19 rate with, or exceeding, any increases in non-
20 humanitarian assistance to Vietnam;

21 (B) with respect to the limitation for fiscal
22 year 2012, the President determines and cer-
23 tifies to Congress, not later than 30 days after
24 the date of the enactment of this Act, that the
25 requirements of subparagraphs (A) through (G)
26 of paragraph (2) have been met during the 12-

1 month period ending on the date of the certifi-
2 cation; and
3 (C) with respect to the limitation for sub-
4 sequent fiscal years, the President determines
5 and certifies to Congress, in the most recent
6 annual report submitted pursuant to section
7 601, that the requirements of subparagraphs
8 (A) through (G) of paragraph (2) have been
9 met during the 12-month period covered by the
10 report.
11 (2) REQUIREMENTS.—The requirements of this
12 paragraph are the following:
13 (A) The Government of Vietnam has made
14 substantial progress toward releasing all polit-
15 ical and religious prisoners from imprisonment,
16 house arrest, and other forms of detention.
17 (B) The Government of Vietnam has made
18 substantial progress toward—
19 (i) respecting the right to freedom of
20 religion, including the right to participate
21 in religious activities and institutions with-
22 out interference, harassment, or involve-
23 ment of the Government, for all of Viet-
24 nam's diverse religious communities; and

1 (ii) returning estates and properties
2 confiscated from the churches and religious
3 communities.
4 (C) The Government of Vietnam has made
5 substantial progress toward respecting the right
6 to freedom of expression, assembly, and associa-
7 tion, including the release of independent jour-
8 nalists, bloggers, and democracy and labor ac-
9 tivists.
10 (D) The Government of Vietnam has made
11 substantial progress toward repealing or revis-
12 ing laws that criminalize peaceful dissent, inde-
13 pendent media, unsanctioned religious activity,
14 and nonviolent demonstrations and rallies, in
15 accordance with international standards and
16 treaties to which Vietnam is a party.
17 (E) The Government of Vietnam has made
18 substantial progress toward allowing Viet-
19 namese nationals free and open access to
20 United States refugee programs.
21 (F) The Government of Vietnam has made
22 substantial progress toward respecting the
23 human rights of members of all ethnic and mi-
24 nority groups.

(G) Neither any official of the Government of Vietnam nor any agency or entity wholly or partly owned by the Government of Vietnam was complicit in a severe form of trafficking in persons, or the Government of Vietnam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased nonhumanitarian assistance would promote the purpose of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (1) with respect to—

(A) all United States nonhumanitarian assistance to Vietnam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) NONHUMANITARIAN ASSISTANCE.—The term "nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine;

(iii) assistance for refugees; and

(iv) assistance to combat HIV/AIDS, including any assistance under section 104A of that Act; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

(2) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8)

of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to the provision of nonhumanitarian assistance to the Government of Vietnam during fiscal year 2012 and subsequent fiscal years.

SEC. 4. ASSISTANCE TO SUPPORT DEMOCRACY IN VIETNAM.

The President is authorized to provide assistance, through appropriate nongovernmental organizations and the Human Rights Defenders Fund, for the support of individuals and organizations to promote internationally recognized human rights in Vietnam.

SEC. 5. UNITED STATES PUBLIC DIPLOMACY.

(a) RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Vietnam.

(b) UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.—It is the policy of the United States that programs of educational and cultural exchange with Vietnam should actively promote progress toward freedom and democracy in Vietnam by

1 providing opportunities to Vietnamese nationals from a
2 wide range of occupations and perspectives to see freedom
3 and democracy in action and, also, by ensuring that Viet-
4 namese nationals who have already demonstrated a com-
5 mitment to these values are included in such programs.

6 **SEC. 6. REFUGEE RESETTLEMENT FOR NATIONALS OF**
7 **VIETNAM.**

8 It is the policy of the United States to offer refugee
9 resettlement to nationals of Vietnam (including members
10 of the Montagnard ethnic minority groups) who were eligi-
11 ble for the Orderly Departure Program (ODP), the Hu-
12 manitarian Resettlement (HR) Program, the Resettlement
13 Opportunities for Vietnamese Returnees (ROVR) Pro-
14 gram, the Amerasian Homecoming Act of 1988, or any
15 other United States refugee program and who were
16 deemed ineligible due to administrative error or who for
17 reasons beyond the control of such individuals (including
18 insufficient or contradictory information or the inability
19 to pay bribes demanded by officials of the Government of
20 Vietnam) were unable or failed to apply for such programs
21 in compliance with deadlines imposed by the Department
22 of State.

23 **SEC. 7. ANNUAL REPORT.**

24 (a) IN GENERAL.—Not later than 6 months after the
25 date of the enactment of this Act and every 12 months

1 thereafter, the Secretary of State shall submit to the Con-
2 gress a report on the following:
3 (1) The determination and certification of the
4 President that the requirements of subparagraphs
5 (A) through (G) of section 3(a)(2) have been met,
6 if applicable.
7 (2) Steps taken to carry out section 3(a)(1)(A),
8 if applicable.
9 (3) Efforts by the United States Government to
10 secure transmission sites for Radio Free Asia in
11 countries in close geographical proximity to Vietnam
12 in accordance with section 5(a).
13 (4) Efforts to ensure that programs with Viet-
14 nam promote the policy set forth in section 5(b) and
15 with section 102 of the Human Rights, Refugee, and
16 Other Foreign Policy Provisions Act of 1996 regard-
17 ing participation in programs of educational and cul-
18 tural exchange.
19 (5) Steps taken to carry out the policy under
20 section 6.
21 (6) Lists of persons believed to be imprisoned,
22 detained, or placed under house arrest, tortured, or
23 otherwise persecuted by the Government of Vietnam
24 due to their pursuit of internationally recognized
25 human rights. In compiling such lists, the Secretary

1 shall exercise appropriate discretion, including con-
2 cerns regarding the safety and security of, and ben-
3 efit to, the persons who may be included on the lists
4 and their families. In addition, the Secretary shall
5 include a list of such persons and their families who
6 may qualify for protections under United States ref-
7 ugee programs.
8 (7) A description of the development of the rule
9 of law in Vietnam, including—
10 (A) progress toward the development of in-
11 stitutions of democratic governance;
12 (B) processes by which statutes, regula-
13 tions, rules, and other legal acts of the Govern-
14 ment of Vietnam are developed and become
15 binding within Vietnam;
16 (C) the extent to which statutes, regula-
17 tions, rules, administrative and judicial deci-
18 sions, and other legal acts of the Government of
19 Vietnam are published and are made accessible
20 to the public;
21 (D) the extent to which administrative and
22 judicial decisions are supported by statements
23 of reasons that are based upon written statutes,
24 regulations, rules, and other legal acts of the
25 Government of Vietnam;

1 (E) the extent to which individuals are
2 treated equally under the laws of Vietnam with-
3 out regard to citizenship, race, religion, political
4 opinion, or current or former associations;
5 (F) the extent to which administrative and
6 judicial decisions are independent of political
7 pressure or governmental interference and are
8 reviewed by entities of appellate jurisdiction;
9 and
10 (G) the extent to which laws in Vietnam
11 are written and administered in ways that are
12 consistent with international human rights
13 standards, including the requirements of the
14 International Covenant on Civil and Political
15 Rights.
16 (b) CONTACTS WITH OTHER ORGANIZATIONS.—In
17 preparing the report under subsection (a), the Secretary
18 shall, as appropriate, seek out and maintain contacts with
19 nongovernmental organizations and human rights advo-
20 cates (including Vietnamese-Americans and human rights
21 advocates in Vietnam), including receiving reports and up-
22 dates from such organizations and evaluating such re-
23 ports. The Secretary shall also seek to consult with the

1 United States Commission on International Religious
2 Freedom for appropriate sections of the report.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1410 OFFERED BY MR. SMITH OF NEW JERSEY

Strike all after the enacting clause and insert the following:

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Vietnam Human Rights Act of 2012".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Prohibition on increased nonhumanitarian assistance to the Government of Vietnam.
Sec. 4. United States public diplomacy.
Sec. 5. Annual report.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The relationship between the United States
9 and the Socialist Republic of Vietnam has grown
10 substantially since the end of the trade embargo in
11 1994, with annual trade between the two countries
12 reaching over $20,000,000,000 in 2011.

13 (2) The Government of Vietnam's transition to-
14 ward greater economic freedom and trade has not
15 been matched by greater political freedom and sub-

stantial improvements in basic human rights for Vietnamese citizens, including freedom of religion, expression, association, and assembly.

(3) The United States Congress agreed to Vietnam becoming an official member of the World Trade Organization in 2006, amidst assurances that the Government of Vietnam was steadily improving its human rights record and would continue to do so.

(4) Vietnam remains a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to deny the right of citizens to change their Government.

(5) Although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to the direction of the CPV and the CPV maintains control over the selection of candidates in national and local elections.

(6) The Government of Vietnam forbids public challenge to the legitimacy of the one-party state, restricts freedoms of opinion, the press, and association and tightly limits access to the Internet and telecommunication.

(7) Since Vietnam's accession to the WTO on January 11, 2007, the Government of Vietnam arbitrarily arrested and imprisoned numerous individuals for their peaceful advocacy of religious freedom, democracy, and human rights, including Father Nguyen Van Ly, human rights lawyers Nguyen Van Dai, Le Thi Cong Nhan, Cu Huy Ha Vu, and Le Cong Dinh, and bloggers Nguyen Van Hai and Phan Thanh Hai.

(8) The Government of Vietnam continues to detain, imprison, place under house arrest, convict, or otherwise restrict persons for the peaceful expression of dissenting political or religious views.

(9) The Government of Vietnam has also failed to improve labor rights, continues to arrest and harass labor leaders, and restricts the right to organize independently.

(10) The Government of Vietnam continues to limit the freedom of religion, restrict the operations of independent religious organizations, and persecute believers whose religious activities the Government regards as a potential threat to its monopoly on power.

(11) Despite reported progress in church openings and legal registrations of religious venues, the

1 Government of Vietnam has halted most positive ac-
2 tions since the Department of State lifted the "coun-
3 try of particular concern" (CPC) designation for
4 Vietnam in November 2006.

5 (12) Unregistered ethnic minority Protestant
6 congregations, particularly Montagnards in the Cen-
7 tral and Northwest Highlands, suffer severe abuses
8 because of actions by the Government of Vietnam,
9 which have included forced renunciations of faith,
10 arrest and harassment, the withholding of social pro-
11 grams provided for the general population, confisca-
12 tion and destruction of property, subjection to severe
13 beatings, and reported deaths.

14 (13) There has been a pattern of violent re-
15 sponses by the Government to peaceful prayer vigils
16 and demonstrations by Catholics for the return of
17 Government-confiscated church properties. Pro-
18 testers have been harassed, beaten, and detained
19 and church properties have been destroyed. Catholics
20 also continue to face some restrictions on selection
21 of clergy, the establishment of seminaries and semi-
22 nary candidates, and individual cases of travel and
23 church registration.

24 (14) In May 2010 the village of Con Dau, a
25 Catholic parish in Da Nang, faced escalated violence

during a funeral procession as police attempted to prohibit a religious burial in the village cemetery; more than 100 villagers were injured, 62 were arrested, five were tortured, and at least three died.

(15) The Unified Buddhist Church of Vietnam (UBCV) suffers persecution as the Government of Vietnam continues to restrict contacts and movement of senior UBCV clergy for refusing to join the state-sponsored Buddhist organization, the Government restricts expression and assembly, and the Government continues to harass and threaten UBCV monks, nuns, and youth leaders.

(16) The Government of Vietnam continues to suppress the activities of other religious adherents, including Cao Dai and Hoa Hao Buddhists who lack official recognition or have chosen not to affiliate with the state-sanctioned groups, including through the use of detention, imprisonment, and strict Government oversight.

(17) During Easter weekend in April 2004, thousands of Montagnards gathered to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities. Credible reports indicate that the protests were met with violent response as

many demonstrators were arrested, injured, or went into hiding, and that others were killed. Many of these Montagnards and others are still serving long sentences for their involvement in peaceful demonstrations in 2001, 2002, 2004, and 2008. Montagnards continue to face threats, detention, beatings, forced renunciation of faith, property destruction, restricted movement, and reported deaths at the hands of Government officials.

(18) Ethnic minority Hmong in the Northwest Highlands of Vietnam also suffer restrictions, abuses, and persecution by the Government of Vietnam, and although the Government is now allowing some Hmong Protestants to organize and conduct religious activities, some Government officials continue to deny or ignore additional applications for registration, and to persecute churches and believers who do not wish to affiliate with Government-controlled religious entities.

(19) In 2007, the Government of Vietnam arrested, beat, and defrocked several ethnic Khmer Buddhists in response to a peaceful religious protest. The Government continues to restrict Khmer Krom expression, assembly, association, and controls all re-

ligious organizations and prohibits most peaceful protests.

(20) The Government of Vietnam controls all print and electronic media, including access to the Internet, jams the signals of some foreign radio stations, including Radio Free Asia, and has detained and imprisoned individuals who have posted, published, sent, or otherwise distributed democracy-related materials.

(21) People arrested in Vietnam because of their political or religious affiliations and activities often are not accorded due legal process as they lack full access to lawyers of their choice, may experience closed trials, have often been detained for years without trial, and have been subjected to the use of torture to admit crimes they did not commit or to falsely denounce their own leaders.

(22) Vietnam continues to be a source country for the commercial sexual exploitation and forced labor of women and girls, as well as for men and women legally entering into international labor contracts who subsequently face conditions of debt bondage or forced labor, and is a destination country for child trafficking and continues to have internal human trafficking.

(23) Although the Government of Vietnam reports progress in combating human trafficking, it does not fully comply with the minimum standards for the elimination of trafficking, and is not making substantial efforts to comply.

(24) United States refugee resettlement programs, including the Humanitarian Resettlement (HR) Program, the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, general resettlement of boat people from refugee camps throughout Southeast Asia, the Amerasian Homecoming Act of 1988, and the Priority One Refugee resettlement category, have helped rescue Vietnamese nationals who have suffered persecution on account of their associations with the United States or, in many cases, because of such associations by their spouses, parents, or other family members, as well as other Vietnamese nationals who have been persecuted because of race, religion, nationality, political opinion, or membership in a particular social group.

(25) While previous programs have served their purposes well, a significant number of eligible refugees from Vietnam were unfairly denied or excluded, including Amerasians, in some cases by vindictive or

corrupt Vietnamese officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. In addition, the Government of Vietnam has denied passports to persons who the United States has found eligible for refugee admission.

(26) Congress has passed numerous resolutions condemning human rights abuses in Vietnam, indicating that although there has been an expansion of relations with the Government of Vietnam, it should not be construed as approval of the ongoing and serious violations of fundamental human rights in Vietnam.

(b) PURPOSE.—The purpose of this Act is to promote the development of freedom and democracy in Vietnam.

SEC. 3. PROHIBITION ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM.

(a) ASSISTANCE.—

(1) IN GENERAL.—Except as provided in subsection (b), the Federal Government may not provide nonhumanitarian assistance to the Government of Vietnam during any fiscal year in an amount that

exceeds the amount of such assistance provided during fiscal year 2011 unless—

(A) the Federal Government provides assistance, in addition to the assistance authorized under section 4, supporting the creation and facilitation of human rights training, civil society capacity building, noncommercial rule of law programming, and exchange programs between the Vietnamese National Assembly and the United States Congress at levels commensurate with, or exceeding, any increases in nonhumanitarian assistance to Vietnam;

(B) with respect to the limitation for fiscal year 2012, the President determines and certifies to Congress, not later than 30 days after the date of the enactment of this Act, that the requirements of subparagraphs (A) through (G) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(C) with respect to the limitation for subsequent fiscal years, the President determines and certifies to Congress, in the most recent annual report submitted pursuant to section 601, that the requirements of subparagraphs

(A) through (G) of paragraph (2) have been met during the 12-month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are the following:

(A) The Government of Vietnam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention.

(B) The Government of Vietnam has made substantial progress toward—

(i) respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference, harassment, or involvement of the Government, for all of Vietnam's diverse religious communities; and

(ii) returning estates and properties confiscated from the churches and religious communities.

(C) The Government of Vietnam has made substantial progress toward respecting the right to freedom of expression, assembly, and association, including the release of independent jour-

1 nalists, bloggers, and democracy and labor ac-
2 tivists.
3 (D) The Government of Vietnam has made
4 substantial progress toward repealing or revis-
5 ing laws that criminalize peaceful dissent, inde-
6 pendent media, unsanctioned religious activity,
7 and nonviolent demonstrations and rallies, in
8 accordance with international standards and
9 treaties to which Vietnam is a party.
10 (E) The Government of Vietnam has made
11 substantial progress toward allowing Viet-
12 namese nationals free and open access to
13 United States refugee programs.
14 (F) The Government of Vietnam has made
15 substantial progress toward respecting the
16 human rights of members of all ethnic and mi-
17 nority groups.
18 (G) Neither any official of the Government
19 of Vietnam nor any agency or entity wholly or
20 partly owned by the Government of Vietnam
21 was complicit in a severe form of trafficking in
22 persons, or the Government of Vietnam took all
23 appropriate steps to end any such complicity
24 and hold such official, agency, or entity fully
25 accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased nonhumanitarian assistance would promote the purpose of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (1) with respect to—

(A) all United States nonhumanitarian assistance to Vietnam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) NONHUMANITARIAN ASSISTANCE.—The term "nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relat-

1 ing to the Overseas Private Investment Cor-
2 poration), other than—
3 (i) disaster relief assistance, including
4 any assistance under chapter 9 of part I of
5 that Act;
6 (ii) assistance which involves the pro-
7 vision of food (including monetization of
8 food) or medicine;
9 (iii) assistance for environmental re-
10 mediation of dioxin-contaminated sites and
11 related health activities;
12 (iv) assistance to combat severe forms
13 of trafficking in persons;
14 (v) assistance to combat pandemic
15 diseases;
16 (vi) assistance for refugees; and
17 (vii) assistance to combat HIV/AIDS,
18 including any assistance under section
19 104A of that Act; and
20 (B) sales, or financing on any terms, under
21 the Arms Export Control Act.
22 (2) SEVERE FORM OF TRAFFICKING IN PER-
23 SONS.—The term "severe form of trafficking in per-
24 sons" means any activity described in section 103(8)
25 of the Trafficking Victims Protection Act of 2000

(Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to the provision of nonhumanitarian assistance to the Government of Vietnam during fiscal year 2013 and subsequent fiscal years.

SEC. 4. UNITED STATES PUBLIC DIPLOMACY.

(a) RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.—It is the sense of Congress that the United States should take measures to overcome the jamming of Radio Free Asia by the Government of Vietnam.

(b) UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.—It is the sense of Congress that any programs of educational and cultural exchange between the United States and Vietnam should actively promote progress toward freedom and democracy in Vietnam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

SEC. 5. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1) The determination and certification of the President that the requirements of subparagraphs (A) through (G) of section 3(a)(2) have been met, if applicable.

(2) Steps taken to carry out section 3(a)(1)(A), if applicable.

(3) Efforts by the United States Government to promote access by the Vietnamese people to Radio Free Asia transmissions.

(4) Efforts to ensure that programs with Vietnam promote the policy set forth in section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Vietnam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and ben-

1 efit to, the persons who may be included on the lists
2 and their families. In addition, the Secretary shall
3 include a list of such persons and their families who
4 may qualify for protections under United States ref-
5 ugee programs.
6 (6) A description of the development of the rule
7 of law in Vietnam, including—
8 (A) progress toward the development of in-
9 stitutions of democratic governance;
10 (B) processes by which statutes, regula-
11 tions, rules, and other legal acts of the Govern-
12 ment of Vietnam are developed and become
13 binding within Vietnam;
14 (C) the extent to which statutes, regula-
15 tions, rules, administrative and judicial deci-
16 sions, and other legal acts of the Government of
17 Vietnam are published and are made accessible
18 to the public;
19 (D) the extent to which administrative and
20 judicial decisions are supported by statements
21 of reasons that are based upon written statutes,
22 regulations, rules, and other legal acts of the
23 Government of Vietnam;
24 (E) the extent to which individuals are
25 treated equally under the laws of Vietnam with-

1 out regard to citizenship, race, religion, political
2 opinion, or current or former associations;
3 (F) the extent to which administrative and
4 judicial decisions are independent of political
5 pressure or governmental interference and are
6 reviewed by entities of appellate jurisdiction;
7 and
8 (G) the extent to which laws in Vietnam
9 are written and administered in ways that are
10 consistent with international human rights
11 standards, including the requirements of the
12 International Covenant on Civil and Political
13 Rights.
14 (b) CONTACTS WITH OTHER ORGANIZATIONS.—In
15 preparing the report under subsection (a), the Secretary
16 shall, as appropriate, seek out and maintain contacts with
17 nongovernmental organizations and human rights advo-
18 cates (including Vietnamese-Americans and human rights
19 advocates in Vietnam), including receiving reports and up-
20 dates from such organizations and evaluating such re-
21 ports. The Secretary shall also seek to consult with the
22 United States Commission on International Religious
23 Freedom for appropriate sections of the report.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1410 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 9, after line 7, insert the following:

1 (26) The Government of Vietnam holds tens of
2 thousands of people in government-run drug deten-
3 tion centers and treats them as slave laborers.
4 (27) To date, over 60,000 people have signed a
5 petition calling on the Administration to not expand
6 trade with communist Vietnam at the expense of
7 human rights.

Page 9, line 8, strike "(26)" and insert "(28)".

AMENDMENT

OFFERED BY MR. ROHRABACHER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1410 OFFERED BY MR. SMITH OF NEW JERSEY

In section 4(a), insert before the period at the end the following: "and that the Broadcasting Board of Governors should not cut staffing, funding, or broadcast hours for the Vietnamese language services of the Voice of America and Radio Free Asia, which shall be done without reducing any other broadcast language services".

I

112TH CONGRESS
2D SESSION

H. R. 3783

To provide for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2012

Mr. DUNCAN of South Carolina (for himself, Mr. HIGGINS, Mr. MACK, Mr. MCCAUL, Mrs. MYRICK, Ms. HOCHUL, Mr. MEEHAN, Mr. CANSECO, Mr. KING of Iowa, Mr. HULTGREN, Mr. FRANKS of Arizona, Mr. WALSH of Illinois, Mr. HUNTER, Mr. ROYCE, Mr. PITTS, Mrs. BLACKBURN, Mrs. LUMMIS, Mr. AUSTRIA, Mr. DESJARLAIS, Mr. QUAYLE, Mr. CULBERSON, Mr. CALVERT, Mr. BURTON of Indiana, Mr. POE of Texas, Mr. BILIRAKIS, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Foreign Affairs

---

A BILL

To provide for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Countering Iran in the Western Hemisphere Act of 2012".

SEC. 2. FINDINGS.

Congress finds the following:

1 (1) The United States has vital political, eco-
2 nomic, and security interests in the Western Hemi-
3 sphere.
4 (2) Iran is pursuing cooperation with Latin
5 American countries by signing economic and security
6 agreements in order to create a network of diplo-
7 matic and economic relationships to lessen the blow
8 of international sanctions and oppose Western at-
9 tempts to constrict its ambitions.
10 (3) According to the Department of State,
11 Hezbollah, with Iran as its state sponsor, is consid-
12 ered the "most technically capable terrorist group in
13 the world" with "thousands of supporters, several
14 thousand members, and a few hundred terrorist
15 operatives", and officials from Iran's IRGC's Qods
16 Force have been working in concert with Hezbollah
17 since the 1990s.
18 (4) The IRGC's Qods Force has a long history
19 of supporting Hezbollah's military, paramilitary, and
20 terrorist activities, providing it with guidance, fund-
21 ing, weapons, intelligence, and logistical support,
22 and in 2007, the Department of the Treasury placed
23 sanctions on the IRGC and its Qods Force for their
24 support of terrorism and proliferation activities.

(5) The IRGC's Qods Force stations operatives in foreign embassies, charities, and religious and cultural institutions to foster relationships, often building on existing socio-economic ties with the well established Shia Diaspora, and recent years have witnessed an increased presence in Latin America.

(6) According to the Department of Defense, the IRGC and its Qods Force were involved in or behind some of the deadliest terrorist attacks of the past two decades, including the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, by generally directing or supporting the groups that actually executed the attacks.

(7) Reports of Iranian intelligence agents being implicated in Hezbollah-linked activities since the early 1990s suggest direct Iranian government support of Hezbollah activities in the Tri-Border Area of Argentina, Brazil, and Paraguay, and in the past decade, Iran has dramatically increased its diplomatic missions to Venezuela, Bolivia, Nicaragua, Ecuador, Argentina, and Brazil. Iran has built 17 cultural centers in Latin America, and it currently maintains 11 embassies, up from six in 2005.

(8) Iran has used its proxies in Latin America to raise revenues through illicit activities, including

1 drug and arms trafficking, counterfeiting, money
2 laundering, forging travel documents, pirating soft-
3 ware and music, and providing haven and assistance
4 to other terrorists transiting the region.
5 (9) According to the Department of Defense,
6 Iran provides support for Hamas despite ideological
7 differences, and there is concern that Hamas is ac-
8 tive in the Western Hemisphere, most notably in Ca-
9 racas.
10 (10) Bolivia, Cuba, Ecuador, Nicaragua, and
11 Venezuela expressed their intention to assist Iran in
12 breaking international sanctions signing a statement
13 supporting Iran's nuclear activities and announcing
14 at a 2010 joint press conference in Tehran their de-
15 termination to "continue and expand their economic
16 ties to Iran" with confidence that "Iran can give a
17 crushing response to the threats and sanctions im-
18 posed by the West and imperialism".
19 (11) Sophisticated narco-tunneling reportedly
20 resembling the types used by Hezbollah in Lebanon
21 have been discovered along the United States-Mexico
22 border, and arrested Mexican gang members enter-
23 ing the United States allegedly with Farsi tattoos
24 have led to concerns about Hezbollah's ability to co-
25 operate with Mexican drug cartels to utilize smug-

gling techniques and routes in order to transport drugs and people into the United States.

(12) Since the fall of 2008, at least 111 suspects of a Hezbollah-linked international network of drug traffickers and money launderers have been arrested in Drug Enforcement Administration operations.

(13) In October 2011, the United States charged two men, including Iranian-American Manssor Arbabsiar, a member of the IRGC's Qods Force, on conspiracy to murder a foreign official using a weapon of mass destruction in an act of terrorism. Arbabsiar traveled to Mexico with the express intent to hire "someone in the narcotics business" to carry out the assassination of the Saudi Arabian Ambassador in the United States.

(14) The Obama Administration's 2011 Strategy for Counterterrorism does not adequately address Iran's growing influence and operations in the Western Hemisphere.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to use all elements of national power to counter Iran's growing presence and hostile activity in the Western Hemisphere.

1 **SEC. 4. REQUIREMENT OF A STRATEGY TO ADDRESS IRAN'S**
2 **GROWING PRESENCE AND ACTIVITY IN THE**
3 **WESTERN HEMISPHERE.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of State
6 shall submit to the Committee on Foreign Affairs of the
7 House of Representatives and the Committee on Foreign
8 Relations of the Senate a strategy to address Iran's grow-
9 ing presence and activity in the Western Hemisphere
10 that—

11 (1) defines and outlines the presence and activi-
12 ties of Iran, the IRGC, its Qods Force, Hezbollah,
13 and Hamas in the Western Hemisphere, including
14 information about their leaders, goals, objectives,
15 and areas of influence;

16 (2) provides an assessment of the terrain, popu-
17 lation, ports, foreign firms, airports, borders, media
18 outlets, financial centers, foreign embassies, char-
19 ities, religious and cultural centers, and income-gen-
20 erating activities in the Western Hemisphere utilized
21 by Iran, the IRGC, its Qods Force, Hezbollah, and
22 Hamas;

23 (3) details operations of Iran, the IRGC, its
24 Qods Force, Hezbollah, and Hamas within the
25 United States, including information on financial
26 networks, trafficking activities, and safe havens;

1 (4) documents the relationship of Iran, the
2 IRGC, its Qods Force, Hezbollah, and Hamas with
3 transnational criminal organizations and other ter-
4 rorist organizations in the Western Hemisphere;
5 (5) describes the relationship of Iran, the
6 IRGC, its Qods Force, Hezbollah, and Hamas with
7 the governments in the Western Hemisphere, includ-
8 ing military-to-military relations and diplomatic, eco-
9 nomic, and security partnerships;
10 (6) assesses the Federal law enforcement capa-
11 bilities, military forces, state and local government
12 institutions, and other critical elements, such as
13 nongovernmental organizations, of the governments
14 in the Western Hemisphere that may organize to
15 counter the threat posed by Iran, the IRGC, its
16 Qods Force, Hezbollah, and Hamas;
17 (7) details operations of Iran, the IRGC, its
18 Qods Force, Hezbollah, and Hamas at the United
19 States-Mexico border and other international borders
20 within the Western Hemisphere, including oper-
21 ations related to drug, human, and arms trafficking,
22 human support networks, financial support, and
23 technological advancements; and
24 (8) includes—

1 (A) with respect to the United States–Mex-
2 ico border, in coordination with the Government
3 of Mexico and the Secretary of Homeland Secu-
4 rity, a plan to address resources, technology,
5 and infrastructure to create a secure Southwest
6 Border and prevent operatives from Iran, the
7 IRGC, its Qods Force, Hezbollah, or Hamas
8 from entering the United States;
9 (B) within Latin American countries, a
10 multi-agency action plan including the develop-
11 ment of strong rule-of-law institutions to pro-
12 vide security for the people and businesses of
13 such countries, a counterterrorism and counter-
14 radicalization plan within communities to iso-
15 late Iran, the IRGC, its Qods Force, Hezbollah,
16 and Hamas from their sources of financial sup-
17 port, and combat terrorist activity; and
18 (C) incorporation of all of the elements of
19 national power, including diplomatic, economic,
20 and security elements, designed to counter
21 Iran's growing presence and hostile activity in
22 the Western Hemisphere.
23 (b) DEVELOPMENT.—In developing the strategy
24 under this section, the Secretary of State shall consult
25 with the heads of all appropriate United States depart-

1 ments and agencies, including the Secretary of Defense,
2 the Director of National Intelligence, the Secretary of
3 Homeland Security, the Secretary of the Treasury, and
4 the Attorney General.

5 (c) FORM.—The strategy under this section shall be
6 submitted in unclassified form but may include a classified
7 annex.

8 **SEC. 5. REPORT.**

9 Not later than one year after the submission of the
10 strategy required under section 4, the Secretary of State
11 shall submit to the Committee on Foreign Affairs of the
12 House of Representatives and the Committee on Foreign
13 Relations of the Senate a report on the progress made to-
14 ward the implementation of the strategy and a description
15 and evaluation toward achieving the policy objective de-
16 scribed in section 3.

17 **SEC. 6. FUNDING FOR DEVELOPMENT AND IMPLEMENTA-**
18 **TION OF STRATEGY TO COUNTER IRAN IN**
19 **THE WESTERN HEMISPHERE.**

20 Notwithstanding any other provision of law, funds
21 made available to any office or bureau of the Department
22 of State for counter-terrorism programs are authorized to
23 be made available to carrry out this Act.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3783 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Countering Iran in
3 the Western Hemisphere Act of 2012".

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The United States has vital political, eco-
7 nomic, and security interests in the Western Hemi-
8 sphere.

9 (2) Iran is pursuing cooperation with Latin
10 American countries by signing economic and security
11 agreements in order to create a network of diplo-
12 matic and economic relationships to lessen the blow
13 of international sanctions and oppose Western at-
14 tempts to constrict its ambitions.

15 (3) According to the Department of State,
16 Hezbollah, with Iran as its state sponsor, is consid-
17 ered the "most technically capable terrorist group in
18 the world" with "thousands of supporters, several

1 thousand members, and a few hundred terrorist
2 operatives," and officials from the Iranian Revolu-
3 tionary Guards Corps (IRGC) Qods Force have been
4 working in concert with Hezbollah for many years.
5 (4) The IRGC's Qods Force has a long history
6 of supporting Hezbollah's military, paramilitary, and
7 terrorist activities, providing it with guidance, fund-
8 ing, weapons, intelligence, and logistical support,
9 and in 2007, the Department of the Treasury placed
10 sanctions on the IRGC and its Qods Force for their
11 support of terrorism and proliferation activities.
12 (5) The IRGC's Qods Force stations operatives
13 in foreign embassies, charities, and religious and cul-
14 tural institutions to foster relationships, often build-
15 ing on existing socioeconomic ties with the well es-
16 tablished Shia Diaspora, and recent years have wit-
17 nessed an increased presence in Latin America.
18 (6) According to the Department of Defense,
19 the IRGC and its Qods Force played a significant
20 role in some of the deadliest terrorist attacks of the
21 past two decades, including the 1994 attack on the
22 AMIA Jewish Community Center in Buenos Aires,
23 by generally directing or supporting the groups that
24 actually executed the attacks.

(7) Reports of Iranian intelligence agents being implicated in Hezbollah-linked activities since the early 1990s suggest direct Iranian government support of Hezbollah activities in the Tri-Border Area of Argentina, Brazil, and Paraguay, and in the past decade, Iran has dramatically increased its diplomatic missions to Venezuela, Bolivia, Nicaragua, Ecuador, Argentina, and Brazil. Iran has built 17 cultural centers in Latin America, and it currently maintains 11 embassies, up from 6 in 2005.

(8) Hezbollah and other Iranian proxies with a presence in Latin America have raised revenues through illicit activities, including drug and arms trafficking, counterfeiting, money laundering, forging travel documents, pirating software and music, and providing haven and assistance to other terrorists transiting the region.

(9) Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela expressed their intention to assist Iran in evading sanctions by signing a statement supporting Iran's nuclear activities and announcing at a 2010 joint press conference in Tehran their determination to "continue and expand their economic ties to Iran" with confidence that "Iran can give a crushing re-

sponse to the threats and sanctions imposed by the West and imperialism''.

(10) The U.S. Drug Enforcement Agency concluded in 2007 that almost one-half of the foreign terrorist organizations in the world are linked to narcotics trade and trafficking, including Hezbollah and Hamas. Sophisticated narco-tunneling has also been discovered along the United States–Mexico border that has led to concerns about Hezbollah's ability to cooperate with Mexican drug trafficking organizations to utilize smuggling techniques and routes in order to transport drugs and people into the United States.

(11) In October 2011, the United States charged two men, Manssor Arbabsiar, a United States citizen holding both Iranian and United States passports, and Gholam Shakuri, an Iran-based member of Iran's IRGC Qods Force, with conspiracy to murder a foreign official using explosives in an act of terrorism. Arbabsiar traveled to Mexico with the express intent to hire ''someone in the narcotics business'' to carry out the assassination of the Saudi Arabian Ambassador in the United States. While in the end, he only engaged a U.S. Drug Enforcement Agency informant posing as an associate

of a drug trafficking cartel, Arbabsiar believed that he was working with a member of a Mexican drug trafficking organization and sought to send money to this individual in installments and not in a single transfer.

(12) In February 2011, actions by the Department of the Treasury effectively shut down the Lebanese Canadian Bank. Subsequent actions by the United States Government in connection with the investigation into Lebanese Canadian Bank resulted in the indictment in December 2011 of Ayman Joumaa, a former Medellin Cartel member with ties to Hezbollah, for trafficking cocaine to the Los Zetas drug trafficking organization in Mexico City for sale in the United States and for laundering the proceeds.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to use appropriate elements of national power to counter Iran's growing hostile presence and activity in the Western Hemisphere by working together with United States allies and partners in the region to mutually deter threats to our interests by the Government of Iran.

SEC. 4. DEFINITIONS.

In this Act:

(1) WESTERN HEMISPHERE.—The term "Western Hemisphere" means the United States, Canada, Mexico, the Caribbean, South America, and Central America.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 5. REQUIREMENT OF A STRATEGY TO ADDRESS IRAN'S GROWING HOSTILE PRESENCE AND ACTIVITY IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct an assessment of the threats posed to the United States by Iran's growing hostile presence and activity in the Western Hemisphere and submit to the relevant congressional committees the results of the assessment and a strategy to address Iran's growing hostile presence and activity in the Western Hemisphere.

(b) MATTERS TO BE INCLUDED.—The strategy described in subsection (a) should include—

(1) a description of the presence, activities, and operations of Iran, the Iranian Revolutionary Guards Corps (IRGC), its Qods Force, Hezbollah,

1 and other terrorist organizations linked to Iran that
2 may be present in the Western Hemisphere, includ-
3 ing information about their leaders, objectives, and
4 areas of influence and information on their financial
5 networks, trafficking activities, and safe havens;
6 (2) an assessment of the terrain, population,
7 ports, foreign firms, airports, borders, media outlets,
8 financial centers, foreign embassies, charities, reli-
9 gious and cultural centers, and income-generating
10 activities in the Western Hemisphere utilized by
11 Iran, the IRGC, its Qods Force, Hezbollah, and
12 other terrorist organizations linked to Iran that may
13 be present in the Western Hemisphere;
14 (3) a description of the relationship of Iran, the
15 IRGC, its Qods Force, and Hezbollah with
16 transnational criminal organizations linked to Iran
17 and other terrorist organizations in the Western
18 Hemisphere, including information on financial net-
19 works and trafficking activities;
20 (4) a description of the relationship of Iran, the
21 IRGC, its Qods Force, Hezbollah, and other ter-
22 rorist organizations linked to Iran that may be
23 present in the Western Hemisphere with the govern-
24 ments in the Western Hemisphere, including mili-

tary-to-military relations and diplomatic, economic, and security partnerships and agreements;

(5) an assessment of the Federal law enforcement capabilities, military forces, State and local government institutions, and other critical elements, such as nongovernmental organizations, in the Western Hemisphere that may organize to counter the threat posed by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere;

(6) a description of activity by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present at the United States borders with Mexico and Canada and at other international borders within the Western Hemisphere, including operations related to drug, human, and arms trafficking, human support networks, financial support, narco-tunneling, and technological advancements that incorporates—

(A) with respect to the United States borders, in coordination with the Governments of Mexico and Canada and the Secretary of Homeland Security, a plan to address resources, technology, and infrastructure to create a secure

United States border and strengthen the ability of the United States and its allies to prevent operatives from Iran, the IRGC, its Qods Force, Hezbollah, or any other terrorist organization from entering the United States; and

(B) within Latin American countries, a multiagency action plan, in coordination with United States allies and partners in the region, that includes the development of strong rule-of-law institutions to provide security in such countries and a counterterrorism and counter-radicalization plan to isolate Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere from their sources of financial support and counter their facilitation of terrorist activity; and

(7) a plan—

(A) to address any efforts by foreign persons, entities, and governments in the region to assist Iran in evading United States and international sanctions;

(B) to protect United States interests and assets in the Western Hemisphere, including embassies, consulates, businesses, energy pipe-

lines, and cultural organizations, including threats to United States allies;

(C) to support United States efforts to designate persons and entities in the Western Hemisphere for proliferation activities and terrorist activities relating to Iran, including affiliates of the IRGC, its Qods Force, and Hezbollah, under applicable law including the International Emergency Economic Powers Act; and

(D) to address the vital national security interests of the United States in securing energy supplies from the Western Hemisphere.

(c) DEVELOPMENT.—In developing the strategy under this section, the Secretary of State shall consult with the heads of all appropriate United States departments and agencies, including the Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative.

(d) FORM.—The strategy under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 1 year after the submission of the strategy required under section 5, the Secretary of State shall submit to the relevant congressional committees a report on the progress made toward the implementation of the strategy and a description and evaluation toward achieving the policy objective described in section 3.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should keep the relevant congressional committees continually informed on the hostile actions of Iran in the Western Hemisphere.

SEC. 7. SUNSET.

(a) SUNSET.—The provisions of this Act shall terminate, and shall cease to be effective, on the date that is 30 days after the date on which the President certifies to Congress that Iran—

(1) has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) no longer provides support for acts of international terrorism; and

(3) poses no threat to United States national security, interests, or allies.

(b) NOTIFICATION.—The President shall notify the relevant congressional committees not later than 15 days before making a certification described in subsection (a).

SEC. 8. FUNDING FOR DEVELOPMENT AND IMPLEMENTATION OF STRATEGY TO COUNTER IRAN IN THE WESTERN HEMISPHERE.

Notwithstanding any other provision of law, funds made available to any office or bureau of the Department of State for counter-terrorism programs are authorized to be made available to carry out this Act.

SEC. 9. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit the rights or protections enjoyed by United States citizens under the United States Constitution or other Federal law, or to create additional authorities for the Federal Government that are contrary to the United States Constitution and United States law.

Amend the title so as to read: "A bill to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.".

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3783 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

Page 4, line 3, strike "Agency" and insert "Administration".

Page 4, line 4, strike "2007" and insert "2008".

Page 4, line 7, strike "Sophisticated" and all that follows through line 13.

Page 5, line 12, strike "a former Medellin Cartel member" and insert "an individual of Lebanese nationality, with citizenship in Lebanon and Colombia, and".

Page 5, beginning on line 18, strike "to use appropriate elements of national power" and insert "to use a comprehensive government-wide strategy".

Page 5, line 23, strike "our" and insert "United States".

Page 5, line 23, insert before the period the following: ", the Iranian Revolutionary Guards Corps (IRGC), the IRGC's Qods Force, and Hezbollah".

Page 6, line 16, strike "hostile".

Page 7, line 6, strike "an assessment" and insert "a description".

Page 8, line 3, strike "an assessment" and insert "a description".

Page 10, strike lines 11 through 13 and insert the following:

1 (D) to address the vital national security
2 interests of the United States in ensuring en-
3 ergy supplies from the Western Hemisphere
4 that are free from the influence of any foreign
5 government that would attempt to manipulate
6 or disrupt global energy markets.

Page 11, line 3, after "section 5," insert "and for each of the following 3 fiscal years,".

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I

112TH CONGRESS
2D SESSION

H. R. 4041

To amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2012

Mr. BERMAN (for himself and Mr. MANZULLO) introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Promotion Reform Act".

SEC. 2. IMPROVED COORDINATION EXPORT PROMOTION ACTIVITIES OF FEDERAL AGENCIES.

Section 2312 of the Export Enhancement Act of 1988 (relating to the Trade Promotion Coordinating Committee; 15 U.S.C. 4727) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

"(6) in making the assessments under paragraph (5), review the proposed annual budget of each agency described in paragraph (5) before the agency submits that budget to the Office of Management and Budget and the President for inclusion in the budget of the United States submitted to Congress under section 1105(a) of title 31, United States Code; and";

(2) in subsection (c)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) in conducting the review and developing the plan under paragraph (2), take into account recommendations from a representative number of United States exporters, in particular small businesses and medium-sized businesses, and representatives of United States workers;"; and

(3) by adding at the end the following:

"(g) EXECUTIVE ORDER AND REGULATIONS.—The President shall issue an executive order and such regulations as are necessary to provide the chairperson of the TPCC with the authority to ensure that the TPCC carries out each of its duties under subsection (b) and develops and implements the strategic plan under subsection (c).

"(h) DEFINITION.—In this section, the term 'small business' means a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).".

SEC. 3. EFFECTIVE DEPLOYMENT OF U.S. COMMERCIAL SERVICE RESOURCES.

Section 2301(c)(4) of the Export Enhancement Act of 1988 (relating to the United States and Foreign Commercial Service; 15 U.S.C. 4721(c)(4)) is amended—

(1) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively;

1 (2) by striking "(4) FOREIGN OFFICES.—(A)
2 The Secretary may" and inserting the following:
3 "(4) FOREIGN OFFICES.—(A)(i) The Secretary
4 shall conduct a global assessment of overseas mar-
5 kets to determine those with the greatest potential
6 for increasing United States exports, and to redeploy
7 the Commercial Service personnel and other re-
8 sources on the basis of the global assessment.
9 "(ii) The assessment conducted under clause (i)
10 shall take into account recommendations from a rep-
11 resentative number of United States exporters, in
12 particular small- and medium-sized businesses, and
13 representatives of United States workers.
14 "(iii) Not later than 6 months after the date of
15 enactment of the Export Promotion Reform Act, the
16 Secretary shall submit to Congress results of the
17 global assessment conducted under clause (i) and a
18 plan for redeployment of Commercial Service per-
19 sonnel and other resources on the basis of the global
20 assessment.
21 "(iv) The Secretary shall conduct an assess-
22 ment and redeployment described in clause (i) not
23 less than once in every 5-year period.
24 "(B) The Secretary may"; and

(3) in subparagraph (F), as redesignated, by striking "is authorized, upon the request of the Secretary, to provide" and inserting "shall, upon the request of the Secretary, provide".

SEC. 4. STRENGTHENED U.S. COMMERCIAL DIPLOMACY IN SUPPORT OF U.S. EXPORTS.

(a) DEVELOPMENT OF PLAN.—Section 207(c) of the Foreign Service Act of 1980 (22 U.S.C. 3927(c)) is amended—

(1) by inserting before the period at the end the following: ", including through the development of a plan, drafted in consultation with the ambassador to such country, the Director General of the United States and Foreign Commercial Service, and the heads of other Federal departments and agencies with export promotion programs acting through the Trade Promotion Coordinating Committee, for effective diplomacy to remove or reduce obstacles to exports of United States goods and services"; and

(2) by adding at the end the following new sentence: "The chief of mission shall, prior to implementation of the plan required under this subsection, submit to the Secretary such plan for review by the Secretary.".

(b) ASSESSMENTS AND PROMOTIONS.—Section 603(a) of the Foreign Service Act of 1980 (22 U.S.C. 4003(a)) is amended, in the second sentence, by inserting before "and (with respect to" the following: "assessments (with respect to members of the Service with responsibilities relating to economic affairs) of the effectiveness of efforts to promote the export of United States goods and services in accordance with a commercial diplomacy plan developed pursuant to section 207(c),".

(c) INSPECTOR GENERAL.—Section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 3929(b)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) the effectiveness of commercial diplomacy relating to the promotion of exports of United States goods and services; and".

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IV

112TH CONGRESS
1ST SESSION

S. CON. RES. 17

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2011

Referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating "The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport";

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that "a uniform approach in

a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system," and that there should be a commitment to "foster international cooperation in the field of aviation security and harmonize the implementation of security measures";

Whereas, the 37th ICAO Assembly in October 2010 adopted a Declaration on Aviation Security largely in response to the attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009, which established new criminal penalties for the use of civil aircraft as a weapon, the use of dangerous materials to attack aircraft or other targets on the ground, and the unlawful transport of biological, chemical, and nuclear weapons and related materials, along with extradition arrangements that facilitate cooperation among nations in apprehending and prosecuting those who have undertaken these and other criminal acts;

Whereas, on October 8, 2010, the Department of State praised the 37th ICAO Assembly on its adoption of the Declaration on Aviation Security, but noted that "because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in aviation security throughout the world—and all nations must share the responsibility for securing that system";

Whereas the Taipei Flight Information Region, under the jurisdiction of Taiwan, ROC, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 8th and 18th largest airport by international cargo volume and number of international passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States "will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible"; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring),* That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in garnering international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's attainment of observer status in the ICAO.

Passed the Senate September 21, 2011.

Attest: NANCY ERICKSON,

Secretary.

Chairman ROS-LEHTINEN. The Chair moves that the measures just listed be adopted by the committee. All those in favor say aye.

All opposed, no. In the opinion of the Chair, the ayes have it and the bills and amendments considered en bloc are approved. Without objection, each of these underlying bills, as amended, is ordered favorably reported as a single amendment in the nature of a substitute, and staff is directed to make technical and conforming changes.

Having concluded the operative portion of today's business, I will now recognize members who wish to make statements on the adopted en bloc measures, beginning with the Chair and the ranking member. If not, you have all been excused, but my words are just so eloquent, you don't want to miss a single word. But we are going to tape it and give you the ability to listen to it at leisure.

Mr. BERMAN. Will the gentlelady yield?

Chairman ROS-LEHTINEN. Yes, I would be glad to yield.

Mr. BERMAN. I hope after my words, none of you will regret having supported the bill just approved by en bloc.

Chairman ROS-LEHTINEN. We are going to—what is it, snatch defeat out of the jaws of victory. I would like to thank, first of all, the ranking member and all of our members and all of the staff that really worked so hard on this extensive bipartisan effort that went into the committee's consideration of five measures that were just adopted. Behind those few minutes of markup were many hours and many days of hard work and deliberations.

Taking up each of the bills in turn: H.R. 890 the Holocaust Insurance Accountability Act is a long overdue effort to see that justice is done. It has been a pleasure to have worked with Mr. Deutch, my Florida colleague on this bill. And we are honored that several of our Holocaust survivors are able to be with us today. David Schacter of Miami, Jay Ipson of Richmond, Virginia, from Washington, DC, Louise Lawrence Israels, Dr. Sidney Lawrence, and Ruth Cohen. We are honored to have you here with us. Thank you so much.

In the years leading up to World War II, hundreds of thousands of future victims of the Nazis' crimes purchased policies from European insurance companies. After the war, survivors contacted the insurance companies to submit claims, and to their shock, the survivors discovered that many companies refused to honor their policies. They insisted that survivors of concentration camps provide policy statements, and documents, and death certificates to verify their claims that the Nazis had stripped them of.

In 1998, the International Commission on Holocaust Era Insurance Claims, ICHEIC, was established to address these serious issues, but ICHEIC was deeply flawed, suffered serious problems with accountability and oversight. Eighty-four percent of the 90,000 claims made were rejected, 84 percent of the 90,000 claims were rejected. Nevertheless, survivors were told that ICHEIC, which stopped accepting new claims in 2004, was the only forum in which they could make those claims.

Survivors are blocked from pursuing these claims in Federal court. This bill is the last hope for Holocaust survivors to obtain justice. This bill would enable survivors to pursue civil action against insurance companies in Federal court without any prejudg-

ment of a verdict. Opponents of this legislation argue that the insurance companies have made contributions to reparation agreements and should be exempt from additional payments. They have the audacity to claim that this legislation will raise false expectations for Holocaust survivors regarding the results of litigation.

Let me set the record straight. Contributions to reparations agreements are not a substitute for addressing the breach of contract that is the failure to pay legitimate claims of policy holders. And the assertion that this bill will raise false expectations for Holocaust survivors is outrageous. These are adults who simply want their rights restored. These companies should be bending over backwards to ensure that Holocaust survivors receive the funds they are owed, but this legislation is not asking anyone to bend over backward. It would simply enable Holocaust survivors to exercise the same right as all Americans seeking justice in our court system.

So thank you Mr. Deutch, it has been a privilege to work with you on this bill, and we will recognize you in just a few minutes. And Mr. Berman, thank you so much as well for your contribution on this bill.

Moving on, I would like to thank Mr. Duncan for introducing H.R. 3783, which seeks to promote U.S. security interest in the Western Hemisphere while protecting U.S. citizens here at home. Over the past years, we have witnessed the Iranian regime expand diplomatic and economic ties with rogue regimes in our hemisphere. Last January, Iran's Ahmadinejad completed a four-country tour of tyrants, to Venezuela, Nicaragua, Cuba and Ecuador. The aggressive actions undertaken by the IRGC, the Quds force and Iran's proxies, like Hezbollah, have the potential to give Iran the platform that it needs in the region to carry out attacks against our homeland.

Just yesterday, SOUTHCOM commander General Fraser testified regarding the Iranian threat in the hemisphere that "connections with Hezbollah and Hamas, who have been in the region for a number of years primarily still focused on supporting, conducting illegal activity to provide funding support and logistic support back to parent organizations within the Middle East."

The failed plot to assassinate a Saudi Ambassador on U.S. soil and the U.S.-led investigation into the Lebanese Canadian bank illustrate the potential links between Iran and Hezbollah with drug trafficking organizations in the hemisphere. This legislation requires the Secretary of State to use existing funds to create a tailored strategy to fight the aggressive actions of Iran and its proxies in the Western Hemisphere, thereby establishing a strong U.S. policy stance and protecting U.S. security interests.

I want to thank also Mr. Smith for the next bill that we are going to be discussing, his Vietnam Human Rights Act, H.R. 1410. Just yesterday, I met with the delegation of Vietnamese Americans led by our former colleague, Congressman Joseph Cao, who described the steady deterioration of human rights and religious freedom in Vietnam. Anyone who doubts the violations by the Hanoi regime just needs to ask Vietnamese democracy advocates, or Internet bloggers or ethnic minorities in the central highlands or

Protestant, Catholic or unified Buddhist church leaders who dared to operate outside of state-imposed limits.

As I said many times, the State Department's 2006 removal of Vietnam from the list of countries of particular concern for religious freedom was a major mistake that still needs to be corrected. The list I received yesterday of approximately 600 political prisoners languishing in Vietnam's Gulag is a stark testament to the continued repression in that country.

Capping non-humanitarian assistance to the Vietnamese regime until these "Hanoi six hundred" are unconditionally released, and religious and political freedoms improved, is the least that we can do. So thank you, Mr. Smith, for that legislation.

I am also pleased to support the legislation of my friend from California, Mr. Berman's bill, H.R. 4041, the Export Promotion Reform Act, which he introduced with another member of our committee, Mr. Manzullo. The assessments and the strategy required by this bill could help to strengthen our commercial diplomacy overseas. So thank you for that bill.

And finally, because Taiwan deserves observer status in the International Civil Aviation Organization, I strongly support the inclusion of Senate Concurrent Resolution 17 in today's markup. This committee and the House have supported similar resolutions in prior years. And I am glad for the continued bipartisan, bicameral support for Taiwan's status which will serve air safety around the world.

Again, thanks to all of the members for their hard work that went into adoption of these measures, and I would like to recognize Mr. Berman for his remarks, thank you.

Mr. BERMAN. Thank you very much, Madam Chairman. The process of voting first and then debating does shorten the time. I would like to yield a minute first to my colleague from Pennsylvania, Ms. Schwartz.

Chairman ROS-LEHTINEN. Ms. Schwartz is recognized.

Ms. SCHWARTZ. Thank you. This is really more a point of information for the chairwoman. Madam Chair, just to say my family did receive some insurance, we were successful in getting claims from my mother's grandparents, my great grandparents, who did have insurance, they were Austrians. I wanted to recognize that we did receive those funds—at least my father did and my sister. Those were complicated forms, I agree, but in fact, those claims were made and received, and my mother didn't live to see that happen, it was certainly to my family important to be able to receive that. Thank you.

Mr. BERMAN. Reclaiming my time. I would like to thank you, Madam Chairman, for including H.R. 4041, the Expert Promotion Reform Act on today's agenda. Mr. Manzullo and I introduced this bipartisan noncontroversial legislation to help increase U.S. exports and create jobs for American workers. According to the GAO, 17 Federal agencies currently have export promotion programs. These programs would be much more effective with improved coordination, elimination of duplicative activities and more effective targeting. That's what our bill does. The improvements made by this bill would benefit many of the Nation's 266,000 exporting firms,

more than 90 percent are small and medium-sized businesses, and in the process, that would help create new jobs.

The Holocaust Insurance Accountability Act, I want to thank you for bringing up H.R. 890, as I noted in our recent hearing on this issue, time is of the essence for Holocaust survivors. This bill is important as to way to shine a light on the desperate situation for many survivors in our community and I support it.

Madam Chairman, I also strongly support Senate Con. Res. 17, which expresses a sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization. Taiwan's participation in the IKO as an observer would not only benefit Taiwan, but it would benefit the rest of the world as well as it helps ensure that IKO can fulfill its mission and address threats to aviation security.

With Taiwan's air traffic controllers providing service to over 1 million flights a year, it is long past time for Taiwan to participate in the IKO.

Madam Chairman, H.R. 3783, the Counter Iran in the Western Hemisphere Act by Mr. Duncan, requires the administration to prepare a strategy to address Iran's increasing presence in the Americas. This committee has heard significant testimony on this issue. And while the administration is fully engaged on this matter, a reminder of our heightened interest here is appropriate.

H.R. 1410 as amended calls attention to the human rights situation in Vietnam. Despite the country's transition to greater economic freedom, religious and political freedoms for Vietnamese citizens remain limited. The bilateral relationship between the U.S. and Vietnam has deepened since diplomatic ties were established over 15 years ago, but the lack of sufficient progress in protecting basic rights and civil liberties in Vietnam remains a real impediment to closer cooperation the future. Madam Chair, just one question before I yield back, is it your vision that on the floor, these bills become separate items?

Chairman ROS-LEHTINEN. Sure.

Mr. BERMAN. Thank you, I yield back.

Chairman ROS-LEHTINEN. Thank you, yes, they will. Mr. Smith is recognized to address his bill, H.R. 1410, to promote freedom and democracy in Vietnam.

Mr. SMITH. Thank you very much, Madam Chair, and I thank you, Mr. Berman, for strongly supporting this legislation and Mr. Berman for cosponsoring it. This is a bipartisan bill. Originally introduced by myself, Mr. Wolf, Zoe Lofgren, Loretta Sanchez and Mr. Royce. And our belief is that maybe the third time is the charm; this bill has passed twice in the House and has floundered and failed in the Senate through inaction. My hope is, given the fact the situation has markedly deteriorated, that will hopefully improve its chances so that we can send a clear unequivocal message to Hanoi that we are serious about human rights abuses.

You mentioned 600 prisoners; it is amazing that leading up to the bilateral trade agreement, and the ascension into WTO in 2006, there were all kinds of expectations that Vietnam would, indeed, matriculate from its heavy repression on religious freedom, its forced renunciation of the Christian faith that is imposed upon the Montagnard, and whether it be the unified Buddhist Church or the

other forms of religious expression, all of which now are being heavily repressed, people who are out of prison are back in prison. As a matter of fact, there is a group called Bloc 8406, it was founded on April 8th, 2006. It closely mirrors Vaclav Havel's Charter 77.

Bloc 8406 has signers page after page of great human rights leaders, religious leaders, who put pen to paper and signed their name. That has become the hit list for the secret police in Vietnam. They have, one by one, rounded up these individuals, harassed them, given them long prison sentences simply for espousing fundamental human rights.

Vietnam is a signatory, and has acceded to the International Covenant on Civil and Political Rights. It is a matter of international law, they have signed on the dotted line themselves, and these rights are being violated with impunity.

The Vietnam Human Rights Act lists a number of actually doable, deliverables: Substantial progress in releasing political prisoners, in respecting the rights of freedom of expression; releasing independent journalists and labor activities who are targeted. We had a $20-billion trade relationship in 2011 with Vietnam. Don't expect a labor union to exist in Vietnam because they are crushed, not unlike the way they are crushed in the People's Republic of China.

In the area of human trafficking, they have gotten worse, particularly in the area of labor trafficking. The first case that was brought against Vietnam and individuals in the Government of Vietnam, pursuant to my law, the Trafficking Victims Protection of 2000, was a sweatshop in American Samoa where hundreds of people were abused, Vietnamese individuals, and they have never, never provided the compensation prescribed by the judge to those individuals that they had so cruelly abused.

We had a hearing, Madam Chair, on January 24th, one in a long series of human rights hearings, and we heard a large number of NGOs. And we heard from one woman who was trafficked to Jordan and talked about how the government was complicit in that trafficking scheme. And we know that that is happening all throughout Asia, and really around the world. So it is a very serious trafficker, and as you pointed out, Madam Chair, today, Vietnam ought to be reinstated as a Country of Particular Concern pursuant to the International Religious Freedom Act, because they have so violated religious freedom.

On one of my trips to Vietnam, Madam Chair, and then I will conclude, I went from Hanoi to Hue to Ho Chi Minh City, there were about 50 different dissidents and religious prisoners, many of whom were under house arrest. Father Ly was out of prison, having been very severely persecuted, under house arrest, he is now back, as are so many others in prison and being abused, simply because of their beliefs in God or their beliefs in human rights and democracy, or both.

This legislation says that we will freeze at 2011 levels non-humanitarian assistance to the Government of Vietnam. It is a modest penalty, extraordinarily modest penalty, because we will still be providing foreign aid, but we say have got to set limits. We have to have some kind, just not just the power of exposing these abuses but there needs to be a penalty phase. It has to pass down to the

committee, and my hope is the House will join us in this. We stand in solidarity with the human rights activists. I have met so many of them, I know you have, I met them in Vietnam, and I have met them in the United States and elsewhere.

They need friends and advocates. Vietnam is going backwards. On the day they got the WTO that they were so desperately seeking with the United States, that day was the pivot point of moving in the opposite direction. They gave every sign. Many of those thought if we just trade, somehow they would just matriculate from a dictatorship to a democracy. We are very well-meaning people, unfortunately, that belief has been betrayed by the Government of Vietnam and we need to have our eyes completely wide open. Things have gotten demonstrably worse in Vietnam. I thank the chair.

Chairman ROS-LEHTINEN. Thank you. Mr. Faleomavaega is recognized.

Mr. FALEOMAVAEGA. Thank you, Madam Chair. There is no one in this committee that I have the utmost respect in my colleague and good friend, Congressman Smith, not only as the chief author of this bill, but we have a little disagreement here in principle. As a Vietnam veteran I have a very different perspective concerning the provisions of H.R. 1410. In 1967, I was deployed to Vietnam; in 1968, I was there in Tet offensive and not knowing everyday if I was going to come back in a body bag or a maimed and wounded soldier for the rest of his life.

On the matter of human rights, the United States cannot assume the moral high ground when it comes to Vietnam. From 1961 to 1971, 10 years, the United States sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent Vietnamese civilians to dioxin, a toxin known as one of the deadliest chemicals made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of the United States to clean up the mess that we created, subjecting the Vietnamese people, both North and South Vietnamese people to this deadly toxin that we still have not been able to correct.

We drop millions of pounds of bombs on the people, the citizens of Laos and Cambodia, that we still have not been able to clean up that mess. So instead we spend our time offering up language like this, which fails to make anything right. While I can appreciate that more than 1 million Vietnamese Americans have strong feelings about the Vietnam War. The fact is, is that it is time for to us rebuild our relationship with Vietnam just like we did with Germany and Japan after World War II.

Regrettably, I regret to say, the provisions of H.R. 1410 has made an adverse impact on our efforts. 1410 purports to promote the development of freedom and democracy in Vietnam but fails its purpose. As noted in the Congressional Research Service, the bill could kill the recent warming of bilateral political and security ties and could weaken economic reform in the ongoing domestic political battles inside Vietnam.

Put another way, Madam Chair, this bill is not in the best interest of the United States or the Vietnamese American community. H.R. 1410 is shortsighted in its approach, as contrary to the efforts

of the Clinton and the Bush and the Obama administrations which have sought to strengthen our partnership with this important country in Southeast Asia.

Long after the Vietnam War, the United States is now about the business of coordinating a multi country diplomatic pushback against Chinese encroachment, in the oil rich and strategically important South China Sea. The conversations with the Department of State, they share my concerns that the measures of this bill could adversely affect our security relationship with Vietnam as well as our ability to work with Vietnam on trafficking in persons.

Moreover, the sections of the bill significantly altered the standard by which the Government of Vietnam's efforts to combat trafficking in persons are measured, and restricts non-humanitarian assistance to Fiscal Year 2011 levels pending a certification on an annual report by the President of the United States.

The TIP created a set of minimal standards to assess the government's efforts, these standards are based on the agreed-upon, international protocols. This bill goes beyond the protocols and holds the Government of Vietnam to a higher standard. By holding the Government of Vietnam to a higher standard that is not applicable to any other foreign government, nor to the United States Government's own efforts, this bill would have an adverse impact on our ability to connect diplomacy with the Government of Vietnam on improving our anti TIP efforts.

So while Vietnam may have work to do in improving its human rights records, we all know that. We also have work to do. First and foremost, we need to work on being fair. We need to work on treating Vietnam the same as we should be treating other foreign governments. Simply put, it is wrong to hold Vietnam to a higher standard than the rest of the world.

Also, let us be clear about the sincere and meaningful progress Vietnam has made, let us not cherry-pick bits of truth and put forward old data. This bill is based on old data, the same data that has been put forward over and over again by those who have never visited Vietnam. After serving in Vietnam in 1967, Madam Chair, I returned some 40 years later, becoming chairman on the subcommittee on Asia Pacific.

All I can say is the Vietnam I fought against is not the Vietnam I know today. So I encourage my colleagues to rethink Vietnam and pursue a path of cooperation that does not undermine the progress we are making.

I also ask that the Embassy of Vietnam statement, Madam Chair, the following excerpts from the State Department, the International Religious——

Chairman ROS-LEHTINEN. Without objection.

Mr. FALEOMAVAEGA [continuing]. To be made part of the record. Madam Chair, thank you.

I fully realize my good friend from Virginia and from New Jersey and the gentleman from California, we all understand Vietnam, yes, has problems, has human rights, so are many other countries. All I am asking is let's be fair. If we are going to put this standard on Vietnam, let's do it on Saudi Arabia, and look at all these other countries that are non democratic. That is all I am seeking here, Madam Chair, and again, thank you and I yield back.

[NOTE: The information referred to is not reprinted here but is available in committee records.]

Chairman ROS-LEHTINEN. Thank you so much.

Mr. SMITH. Madam Chair, is there time to respond?

Chairman ROS-LEHTINEN. I would be glad to give you the time, let me just go with the people who are pending.

Mr. Duncan is recognized to explain the bill that he has put forth, and that we have already reported favorably, H.R. 4783, a Comprehensive Strategy to Counter Iran's Presence and the Western Hemisphere.

Mr. DUNCAN. Thank you, Madam Chairman, Ranking Member Berman, Madam Chair, Chairman Royce, the chair of the subcommittee, heard the bill, my fellow colleagues, specifically Mr. Higgins and his staff, he was the first cosponsor of the bill. I certainly appreciate your assistance in helping with this issue, and the staffs, a shout out to them.

I appreciate the bipartisan cooperation we have received in the 72 Members who have cosponsored this bill. As you all know from the hearings this committee has held, Iran has steadily been increasing its presence in the Western Hemisphere by pursing economic, diplomatic and security agreements doubling the number of Embassies in the region and engaging countries with diplomatic visits and strategic communications.

Since 2003, Iran has defied the U.S. in international events that it end their country's illicit nuclear enrichment program. Iran's defiance, their deplorable anti Israeli rhetoric, and their continued sponsorship of terrorism creates a recipe for instability worldwide. Iran's actions in our neighborhood represent a real threat to our safety and security. Our neighbors must recognize that supporting Hezbollah, transferring nuclear technology to Iran or assisting the Iranian Government in evading sanctions is a danger not only to the United States, but to the world as a whole.

I want to thank the Mexican Ambassador for visiting with me and many other members on the committee to help set the narrative that we are allies and friends in this region. It is our neighborhood, and we have got to work together to thwart the threat that is posed by Iran.

Last year's foiled Iranian assassination plot again the Saudi Ambassador of the U.S., and the recent testimony of the Director of International Intelligence Senate Select Committee on Intelligence present convincing evidence for concern. Recall that in 2002, the FBI testified before the Senate Select Committee on Intelligence that investigations today continue to indicate that many Hezbollah subjects based in the United States have the capacity to attempt terrorist attacks here, should this be a desired objective of the group.

Congress has approved trillions of dollars for military operation in the global war on terror. Yet Iran has been establishing a presence here in our neighborhood from which it can exercise influence. With tensions building between Iran and the United States, we have a responsibility to take steps now to guard against the threats that Iran could pose to American U.S. soil, to Americans on U.S. soil.

We do have a precedent of Iranian terrorist attacks in this hemisphere. In March 17th will mark the 20th Anniversary of the 1992 bombings of the Israeli Embassy in Buenos Aires, Argentina, which killed 29 civilians and left 242 wounded. The largest terrorist attack in the Western Hemisphere prior to the 9/11 terrorist attacks.

We cannot let this type of tragedy at the hands of Iran or its proxies occur in our hemisphere. I believe the U.S. Needs to do a better job in engaging with our friends in the region developing broader cooperation on threats posed to the entire hemisphere, protecting American interest in the region and securing our borders to ensure Iranian operatives cannot enter our country. This bill provides a necessary first step to countering Iran's hostile presence in our hemisphere. Again, I appreciate the support and I yield back.

Chairman ROS-LEHTINEN. Thank you very much. Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman. And I want to thank you and the ranking member for your leadership in today's markup and I want to thank you again for your willingness to consider several amendments to the freedom and democracy in Vietnam legislation. I really appreciate it.

I also want to say to my friend from New Jersey, I was delighted to hear that this was a bipartisan bill. Like my friend from New Jersey, I have been to Vietnam, both north and south. Like my friend from New Jersey, I have a large Vietnamese American constituency. Like my friend from New Jersey, I have spoken out on human rights on Vietnam. Like my friend from New Jersey, and I am a member and active member of the Human Rights in Vietnam caucus.

When I was the chairman of Fairfax County, one of the largest counties in the United States, I had legislation passed that required that flying of the Republic of South Vietnam's flag along with the current Vietnamese flag to honor the men and women who immigrated from Vietnam to Northern Virginia.

And so my friend I know must understand my disappointment that I was not added as an original cosponsor to his legislation. We made several attempts to do that, and perhaps there was a miscommunication. And if my friend would not object, I would ask Madam Chairman unanimous consent that I be added to the legislation.

Chairman ROS-LEHTINEN. Without objection.

Mr. CONNOLLY. I thank the chair.

Mr. SMITH. Happy to have you.

Mr. CONNOLLY. I want to applaud Mr. Smith for his leadership and passion on this subject. It is important that we speak up. The words of our colleague from American Samoa are certainly words we must take cognizance of. He makes some fair points, but not to speak out about blatant abuses still going on in Vietnam, and as Mr. Smith indicated, in some cases, actually worsening against religious freedom, against the free expression of ideas, against a free press, I think would be a dereliction of duty on our part as a committee and as a Congress. And so, I applaud his leadership and I join in it.

And finally, Madam Chairman, as the cochairman of the Taiwan caucus, I am also delighted that we are passing this bill to include

Taiwan and the family of nations in international machinery. I think it is very important for Taiwan, which is a terribly important economy for the United States and world trade. This recognition is long overdue. And again, I thank the chairman of the committee for her leadership in that regard. And with that I yield back.

Chairman ROS-LEHTINEN. Thank you very much. Mr. Rohrabacher is recognized.

Mr. ROHRABACHER. Just a few thoughts about our friend from American Samoa, and I certainly respect the fact that he risked his life for us in Vietnam back in 1967. And I was not in the military in 1967, but I was in Vietnam in 1967 with Montagnards in the central highlands, and those people today are suffering great repression, and there is no reason whatsoever that whatever happened back in 1967 should make us any less committed to the freedom, religious freedom of those Montagnards who now have, I guess, reached out to Evangelical Christianity in a very important way in their lives, and have been brutally suppressed because of it.

Vietnam offers us a classic example of why the argument that the more we engage with a dictatorship, and the more prosperous we make a dictatorship become, the more likely it is that they will become democratic and more liberal. That is the "hug-a-Nazi, make a liberal theory" that I have tried to refute so many times here. What has happened in Vietnam we have reached out to the Vietnamese Government in many ways. We now have Vietnamese able to penetrate our market. You will find goods made in Vietnam throughout our marketplace in the United States, yet the repression of the people remains the same. It is up to us to maintain our standards of freedom and democracy in dealing with these Third World dictatorships. There are people who have no hope if it is not for the hard work of those of us in Congress, especially people like Congressman Smith who has dedicated his life to human rights, and I now very happily, and I support his efforts on the human trafficking as well as his Vietnam measure within this bill. I will now yield to him the balance of my time.

Chairman ROS-LEHTINEN. Mr. Smith is recognized.

Mr. SMITH. I thank my good friend for yielding. I just think the record needs to be very clear. My good friend, Eni Faleomavaega, mentioned the problem of dioxin which was in Agent Orange. I would note for the record the first amendment, the very first amendment that I cosponsored wasn't my amendment but I was the Republican on it, it was Tom Daschle's in the Veteran Affairs Committee 1981, it would have provided service connection, disability compensation for Agent Orange-afflicted Vietnam veterans. We lost. People didn't think it was real then. We all know how real it is now and it is a very serious problem.

Our legislation specifically exempts assistance for environmental remediation of dioxin contaminated sites and related health activities. Last year, or this year, fiscal year, we are spending $15 million in Vietnam to help people who have been sickened by dioxin and to remediate sites. This is a very, I think, focused piece of legislation that speaks to our economic types of relationships, where we are giving U.S. foreign aid. We are not dictating to them, we are saying these are universal principles that need to be followed.

And frankly, Vietnam has acceded to all these human rights norms and many treaties. Live up to them, don't persecute and torture your own people and then expect to us provide U.S. foreign aid over which we have the power of the purse and just let that run and flow untouched. So it is to get their attention, that we mean business, and that there is a penalty.

So when you say, as mentioned by my good friend about why single out Vietnam? We single out many countries on this committee when it comes to human rights issues and humanitarian issues. I think it is better when we do it country-specific. Yes, let's have thematic bills like religious freedom and trafficking that focuses on every country of the world with specific delineation for individuals with regards to their records. But this one says we are serious, they are getting worse, much worse, in this Congress, in a bipartisan way.

And again, I thank the distinguished gentlelady who is a champion of human rights for bringing this bill to the committee, Howard Berman and others for supporting it so strongly, and, of course, Mr. Connolly, who is now on as a sponsor, I thank him for that, and of course, I want to thank Dana Rohrabacher.

We have to be serious. I asked the members to read the bill very carefully, it wasn't written overnight on the back of an envelope. This is very well thought out, we have had the hearings on it, so with great respect to my friend, Mr. Faleomavaega, I do hope we get strong support for it when it gets to the floor. Otherwise the people who languish in the prisons, just like they do in Cuba and China and so many other places in the Middle East and in African countries where dictatorship, reign, we then abandon them. We do have a voice. We need to use it.

Chairman ROS-LEHTINEN. Thank you so much. The gentleman from New York, Mr. Engel, is recognized.

Mr. ENGEL. Well, thank you, Madam Chairman. I rise in strong support of the en bloc amendment and I would like to briefly discuss a few of the bills. I would like to share my thoughts on the Iran and the Western Hemisphere bill. As a member of this committee, I pay very close attention to the actions of Iran anywhere in the world they are the principle threat to peace and stability at this time, the leading supporter of terrorism around the world and they demand our vigilant attention.

Thus as the ranking member of the Western Hemisphere Subcommittee, I work with our subcommittee chairman, Mr. Mack to ensure that we are aware of potentially nefarious activities of Iran in our region. This committee has held numerous briefings with the administration and the Intelligence Community on Iran. And without discussing the content of these briefings, I am glad that the executive branch is as focused as we are on the challenge. The bill we take up today strives to address the challenge of Iran in the Western Hemisphere. When I was chair of the Subcommittee on the Western Hemisphere, we held the hearings and briefings and discussions on Iran and what they are attempting to do in the Western Hemisphere.

So I would like to thank all those involved, the chair, ranking member of the full committee, and of the TNT Subcommittee which first marked up the bill, and Mr. Duncan, the author of the bill.

With their flexibility and willingness to reach a compromise, this is a better piece of legislation, and it has significantly improved and will have my support and my vote.

I would like to also briefly address the Holocaust insurance legislation. I will never forget meeting my constituent, Mr. Solofish, who had an actual copy of his father's life insurance policy which was never paid by his European insurance company. I believe he and the other people were simply treated unfairly in the ICHEIC process. And I am pleased to support this bill which gives them an opportunity to pursue what is rightfully theirs.

I welcome the guests we have in the front row, and assure you that there are many, many of us of us in this committee that will keep on this and you will never be forgotten until justice is done, so I want you to know that, and it is bipartisan.

I would like to offer my support for Taiwan joining the International Civil Aviation Organization. Taiwan deserves to be in the international fora and organizations, and we cannot afford to play games when it comes to aviation safety as well. Many countries with large aviation sectors need to be in such organizations and this resolution has my strong support.

Finally, I want to talk about the Vietnam human rights bill. I am sorry Mr. Smith has left, but as I said to him personally many times there is no one in this Congress or any other Congress who champions human rights more than Mr. Smith who feels it in his heart and his gut and goes with what is right. I know Vietnam is an important country, and I know in our disputes with China and the disputes that Vietnam has with China, how the United States has been working with Vietnam, and Vietnam is a potentially strong ally in our fight against Chinese hegemony in the region. But I do think Mr. Smith is quite right when he says that there has to be a basic standard. If we are going to normalize our relations we have with Vietnam, then we expect certain things from them as well. And human rights is very, very basic.

So I think it is very important that we send a strong message by talking about Vietnam human rights and by supporting this bill.

So Madam Chair, again, I support the en bloc amendment and it has my strong support and I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you so much. Mr. Ackerman is recognized.

Mr. ACKERMAN. Thank you, Madam Chair. Let me first commend you for your passion and for your pursuit of the legislation that you have introduced, the Holocaust Insurance Accountability Act. I think none can dispute the fact that you have been a champion of justice for so many in so many different places in the world. And nobody, nobody can help but feel the pain and the injustice done to those people who have claims that have not been settled due to the Holocaust.

I feel that concern as much as any. Those of us who have family members, who lost not just property, but family members themselves during that darkest hour of humankind, has to have sympathy for what these people are going through. But let me also bring up some concerns that I have with us trying to remedy this injustice, because I think it would be unfair to let that go unsaid.

There was a time when we had the ability to settle on most of the claims. We did that as part of an understanding in an agreement between the United States and others, an agreement that was made considering the interests of the majority of people whose claims could be settled.

Mr. Smith just mentioned, as he does often, and as you do and so many others on the committee, Madam Chair, the importance of countries keeping to their international agreements because their integrity is on line and at stake before the international community. How difficult would it be for us not to be able to say at this particular moment in time, to our friends in Egypt, that it is important even despite the turmoil that is going on there that they must keep to their international commitments that they made in their peace agreement with the State of Israel?

And they could say they have justice issues before them and don't want to keep to that claim anymore, but they have made that. How difficult would it be for us in our ongoing desire and wish to see a settlement in dispute between the Israelis and Palestinians and see justice done there? Part of that problem there is a continuum of claims that are brought up in a yes-but fashion by the Palestinians that could go on for millenniums. It is always "yes but," pocket what you can get as an offer and keep to pursuing.

One of the demands that we have is an end to all claims when the Palestinians settle up with the Israeli's. So once that agreement is made on an international basis and all the parties sign on, that there comes a time that the Palestinians agree that claims are not going to come up in the future. And justice will be done to some people in that case, I would assume, but sometimes processes have to end. This is a matter of conflicting justices and I would never oppose the pursuit of justice on behalf of the people who seek restitution because of claims that they have, but I would certainly be remiss if I didn't mention that we do this not cost free, that we pay the price of turning our country into violators of our own word, we do that at the risk of attempting to change what I understand is a very important principle of the Constitution of the United States, and that is, we cannot tell a separate branch of government, the executive branch what to do.

And that certainly President Clinton, President Bush, and no American President would cede that this Congress can strip away their rights guaranteed by the Constitution as a separate branch of government. So we are faced with conflicting senses of justice. How do you settle an international dispute and agree not to pursue in the future further claims? It is so difficult. These people have been done a tremendous injustice. They have a right to pursue it. As the people who lost relatives in 9/11, when we settled up with the airlines, were told that they can pursue their cases, but outside of that, they would not have the support of the U.S. Government if they didn't settle at the time of settling up when everything was put on the table. These people have been gypped, they have been robbed, they have been made double victims, victims of the Holocaust and victims of the loss of their property, and despite those concerns, Madam Chair, I want to salute you in the personal sense of pursuing justice that we all want to see done to all of the victims of the Holocaust, and I thank you very much.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Ackerman. Mr. Deutch is recognized.

Mr. DEUTCH. Thank you, Madam Chair. Madam Chair, I have had to wait a while to speak, but I have not had to wait nearly as long as the Holocaust survivors have had to wait for justice. Madam Chair, let me first extend my deepest thanks to you for bringing the Holocaust Insurance Accountability Act, now the Tom Lantos Justice for Holocaust Survivors Act before this committee. It has been a privilege to co-sponsor this legislation with you on behalf of the thousands of Holocaust survivors that we represent.

For the survivors in Florida's 19th District and throughout the country, time is of the essence. It is no secret that the Holocaust survivor population is among our most vulnerable. When this committee held a hearing on the rights of survivors several months ago, I spoke of the Oma Shoah remembrances I have been attending for years and spoke of the crowds that used to fill the events every year. There are now more and more empty seats. These survivors deserve to live out their lives with dignity, they deserve proper health care, access to home care, and simple things that we take for granted, like transportation to doctors' appointments, to the grocery store, and they deserve to not have to choose between buying those groceries or paying for prescriptions.

Madam Chairman, this bill is about justice, plain and simple. It is about giving survivors the opportunity to pursue justice for the wrongs of the past. When we last had a hearing on this issue, we heard from survivors, each told a remarkable story. We heard from David Schaecter, who joined us then and is here with us today. David sat before this committee and told us his family's story, and there are so many others just like his.

At that November hearing, I asked David and the other survivors what the most important message they had to impart to young people that they speak with. It is, they summed up, the choice between right and wrong. The generation of children, this generation of children is the last generation that will hear the stories of Holocaust survivors directly from those who lived through it. It is our job here to carry out their message of right and wrong and, Madam Chairman, that is what we did here today by passing this bill. Some 75 percent of the Holocaust survivors in America live in poverty, 75 percent. Today we gave these men and women at least the start toward a chance to live out their lives with the dignity they deserve. This issue is not about giving peace to insurers or protecting foreign governments, it is not about going to court or pursuing opportunities for future reparations, it is about providing peace and security to those remaining Holocaust survivors of our communities who have suffered the most horrific injustices.

And finally, Madam Chairman, I can think of a no more fitting tribute than to name this bill after a Member of this body, chair of this committee, who understood the plight of survivors better than anyone because he lived it himself, Tom Lantos. It is a true honor to cosponsor this bill in his name, the only Holocaust survivor to serve in the United States Congress. I would like also to thank Mrs. Annette Lantos for her continued courageous work on behalf of those suffering around the world.

Madam Chairman, I applaud my colleagues for supporting this legislation on behalf of Congressman Lantos. It is important legislation for David and the other survivors that we are privileged to have join us here today. It is important legislation for my constituents Jack Rubin, Alex Moskovic and so many others, and this moment, Madam Chairman, this moment is vitally important for all of the survivors who, quite simply, deserve more than anything else the pursuit of justice. Thank you, and I yield back.

Chairman ROS-LEHTINEN. Well done. Thank you very much, Mr. Deutch. Mr. Higgins is recognized.

Mr. HIGGINS. Thank you, Madam Chair, for your highly respectful and inclusive leadership of this committee. Congratulations to the survivors. I wanted to address H.R. 3783, sponsored by Mr. Duncan, and while the national attention is focused on the brutality of the Assad regime in Syria and the delirious defiance of Ahmadinejad in Iran, this bill also addresses the malignancy of the proxies, specifically Hezbollah. Hezbollah is the party of God, it is a Shi'a Muslim group that is committed to violent Jihad, including the destruction of the State of Israel.

I think what is most of concern here is that they not only have a presence in the Western Hemisphere, they have a presence in North America and in the 16-nation region of Latin America. Hezbollah has a presence in 15 American cities, including four major cities in Canada. We have been told repeatedly that we shouldn't be all that concerned about their presence because it is limited to fund-raising activity. That is not comforting.

So this bill, I think, is not preemptive, but it is precautionary, and I think it is a wise step in the direction of monitoring the activity of Hezbollah and other groups that act as a proxy for Venezuela, for Iran, and for Syria. With that, I will yield back. Thank you.

Chairman ROS-LEHTINEN. Thank you so much, and let the record reflect that Mr. Ackerman is a yes vote, it was a voice vote, but Mr. Ackerman is a yes vote on the Holocaust survivors bill, H.R. 890, that was considered en bloc. Neither hearing nor seeing further requests for recognition, the committee stands adjourned, and thank you one and all.

[Whereupon, at 12:15 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

March 5, 2012

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hfca.house.gov):**

DATE: Wednesday, March 7, 2012

TIME: 10:00 a.m.

MARKUP OF: H.R. 2106, 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;

H.R. 890, To allow for the enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims;

H.R. 1410, To promote freedom and democracy in Vietnam;

H.R. 3783, To provide for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere, and for other purposes;

H.R. 4041, To amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; and

S. Con. Res. 17, A concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE MARKUP

Day *Wednesday* **Date** *03/07/12* **Room** *2172 RHOB*

Starting Time *10:09 a.m.* **Ending Time** *12:15 p.m.*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Rep. Ileana Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 2106, 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; H.R. 890, To allow for the enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims; H.R. 1410, To promote freedom and democracy in Vietnam; H.R. 3783, To provide for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere, and for other purposes; H.R. 4041, To amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; and S. Con. Res. 17, A concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

COMMITTEE MEMBERS PRESENT:

Attendance sheet attached.

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Mack (2 SFRs), Rep. Faleomavega (SFR), Rep. Buerkle (2 SFRs)

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendment(s).)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:15 p.m.*

Doug Anderson, General Counsel

Hearing/Briefing Title: Full Committee Mark up: H.R. 2106, H.R. 890, H.R. 1410, H.R. 3783, H.R.4041, and S.Con.Res. 17

Date: 03/07/12

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
	Dan Burton, IN
X	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
X	Edward R. Royce, CA
X	Steve Chabot, OH
	Ron Paul, TX
	Mike Pence, IN
X	Joe Wilson, SC
X	Connie Mack, FL
X	Jeff Fortenberry, NE
X	Michael McCaul, TX
	Ted Poe, TX
X	Gus M. Bilirakis, FL
	Jean Schmidt, OH
X	Bill Johnson, OH
	David Rivera, FL
X	Mike Kelly, PA
X	Tim Griffin, AK
X	Tom Marino, PA
X	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
X	Renee Ellmers, NC
X	Robert Turner, NY

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
X	Eni F.H. Faleomavaega, AS
X	Brad Sherman, CA
X	Eliot Engel, NY
X	Gregory Meeks, NY
X	Russ Carnahan, MO
X	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
X	Dennis Cardoza, CA
X	Ben Chandler, KY
X	Brian Higgins, NY
X	Allyson Schwartz, PA
	Chris Murphy, CT
X	Frederica Wilson, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI

PREPARED STATEMENTS OF THE HONORABLE CONNIE MACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Opening Statement
H.R. 3783
Countering Iran in the Western Hemisphere Act

As Chairman of the Western Hemisphere Subcommittee, I commend my friend, Mr. Duncan, for introducing the Countering Iran in the Western Hemisphere Act.

I worked closely with Mr. Duncan to develop a bill that ensures our State Department does not take the threat of Iran in this hemisphere lightly.

- Reports of Iranian activity in Latin America are constant.
- Yet the State Department would have us believe that Iranian activity in this Hemisphere is limited to fundraising.
- Credible reports state otherwise. The State Department and the Treasury Department have both sanctioned the Venezuelan government for its activities and relationship with Iran and its proxy, Hezbollah
- Just yesterday, the head of US Southern Command General Douglas Fraser expressed his concern over Iran's relationship with Hugo Chavez's Bolivarian Alliance
- Whether the lack of information at the State Department is due to willful ignorance or misplaced priorities, this bill would, for the first time, require a strategy that defines and outlines Iran's and its proxies' activities in our hemisphere
- More than that it will create a comprehensive strategy to:
    - Ensure the borders of the United States our secure
    - Ensure American interests and assets are protected
    - Address critical national security interests with regard to energy in our Hemisphere

I want to commend Mr. Duncan again for introducing this important bill

Opening Statement
H.R. 2106
Syria Freedom Support Act

I fully support this bill – I only wish we could have instituted stronger sanctions sooner.

For nearly a year, thousands of Syrians have been demonstrating against – and dying at the hands of – a brutal dictator – Bashar al-Assad.

Assad must step down immediately.

While Russia and China veto multilateral sanctions against Syria, the United States has a responsibility to use every tool at its disposal to bring down Assad.

Syria is a State Sponsor of Terrorism that supports Foreign Terrorist Organizations, possesses WMDS, has pursued a nuclear weapons program, and is committing horrific crimes against the Syrian people.

Sanctions against this regime should be instituted as soon as possible.

The U.S. must ensure that all sanctions against Syria are enforced to their fullest extent – anything less will render the sanctions useless and defeat our purpose here today.

Sanctions should also be imposed immediately to prevent Hugo Chavez from further propping up the Syrian regime.

Chavez has already sent multiple shipments of diesel fuel to Syria that would make his state owned oil company, PDVSA, subject to sanctions under this act

PDVSA has already been sanctioned by the State Department for shipping gasoline to Iran.

And just two days ago, the Chavez regime indicated that it is readying a third shipment to Syria.

It is clear that dictators like Hugo Chavez and Bashar al-Assad have no regard for human life.

Sanctions against Assad and his regime are needed now.

I ask that the Congress and the President not to hesitate - institute these sanctions immediately.

Let's cut off and bring down Assad before it's too late.

PREPARED STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA

STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA

RANKING MEMBER
SUBCOMMITTEE ON ASIA AND THE PACIFIC

before the

HOUSE COMMITTEE ON FOREIGN AFFAIRS

regarding

"H.R. 1410, the Vietnam Human Rights Act of 2012"

March 6, 2012

Madam Chair:

As a Vietnam veteran, I have a different view about H.R. 1410.

In 1967, I was deployed to Vietnam and served my country in Nha Trang. My brother also served, and has since passed away.

On the matter of human rights, the U.S. cannot assume the moral high ground when it comes to Vietnam. From 1961 to 1971, the U.S. sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent civilians to dioxin – a toxic known to be one of the deadliest chemicals made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of the U.S. to clean up the mess we left behind.

Instead, we spend our time offering up language like this which fails to make anything right. While I appreciate that more than 1 million Vietnamese-Americans still have strong feelings about the Vietnam War, the fact is it is time for us to rebuild our relationship with Vietnam just like we did with Germany and Japan after WWII.

Regrettably, H.R. 1410 has an adverse impact on our efforts. H.R. 1410 purports to promote the development of freedom and democracy in Vietnam but fails in its purpose. As noted by the Congressional Research Service, "the bill could chill the recent warming of bilateral political and security ties and could weaken economic reformers in ongoing domestic political battles inside Vietnam."

Put another way, H.R. 1410 is not in the best interest of the United States or the Vietnamese-American community. H.R. 1410 is shortsighted in its approach, and contrary to the efforts of the Clinton, Bush, and Obama Administrations which have sought to strengthen our partnership with Vietnam.

Long after the Vietnam War, the U.S. is now about the business of coordinating a multi-country diplomatic push back against Chinese encroachment in the oil-rich and strategically important South China Sea. H.R. 1410 is not helpful to our cause.

In conversations with the Department of State, they share my concerns that measures in H.R. 1410 could adversely affect our security relationship with Vietnam as well as our ability to work with Vietnam on trafficking in persons. H.R. 1410 could also greatly reduce our chances of negotiating a roadmap on human rights.

Moreover, Section 3(a)(2)(G) significantly alters the standard by which the Government of Vietnam's efforts to combat Trafficking in Persons (TIP) are measured, and restricts non-humanitarian assistance to FY2011 levels pending certification in an annual report by the President of the United States.

The Trafficking Victims Protection Act (TVPA) created a set of minimum standards to assess a government's efforts to combat trafficking in persons (TIP). These standards are based on agreed upon international protocols. H.R. 1410 goes beyond the protocols and holds the Government of Vietnam to a higher standard.

By holding the Government of Vietnam to a higher standard that is not applicable to any other foreign government, or to the U.S. government's own efforts, the Act would have an adverse impact on our ability to conduct diplomacy with the Government of Vietnam on improving its anti-TIP efforts.

So while Vietnam may have work to do on improving its human rights record, we also have work to do. First and foremost, we need to work on being fair. We need to work on treating Vietnam the same as we treat other foreign governments. Simply put, it is wrong to hold Vietnam to a higher standard than the rest of the world.

Also, let us be clear about the sincere and measurable progress Vietnam has made. Let us not cherry-pick bits of truth and put forward old data. H.R. 1410 is based on old data – the same data that has been put forward over and over again by those who have never visited or returned to Vietnam. After serving in Vietnam in 1967, I returned some 40 years later after becoming Chairman of the Subcommittee on Asia and the Pacific. All I can say is the Vietnam I fought against is not the Vietnam I know today.

So, I encourage my colleagues to re-think Vietnam and pursue a path of cooperation that does not undermine the progress we are making. I also ask that the Embassy of Vietnam's statement and the following excerpts from the State Department's International Religious Freedom Report 2010 be made part of the record.

The Report notes, *"respect for religious freedom and practice improved in some regards,"* and that *"the government took further steps to implement its 2004 Ordinance on Religion and Belief and supplemental decrees on religious policy issued in 2005."* The report also recognizes that the Vietnamese *"government also facilitated construction of new churches, prayer houses,*

pagodas, and training facilities for furthering the education of thousands of monks, priests, nuns, and pastors" permitting *"the expansion of religious organizations' charitable activities."*

The Report also made note of the meeting between President Nguyen Minh Triet and Pope Benedict XVI at the Vatican. *"Vietnam and the Holy See agreed to a Vatican appointment of a non-resident Representative for Vietnam as a first step toward the establishment of full diplomatic relations."* The report also states that *"new congregations were registered in many of the 64 provinces, and one new religious group and two Protestant denominations received national registration or recognition."*

"The Catholic Church, Protestant congregations, and other smaller religious groups reported that their ability to gather and worship generally improved and that the government allowed registered religious groups to assign new clergy with limited restrictions. The government also permitted the Buddhist, Catholic, Cao Dai, Hoa Hao, and Protestant faiths to hold several historic large-scale religious services throughout the country, some with over 100,000 participants."

The State Department also confirmed the Vietnam's Government assertion that *"some ethnic minorities in the Central Highlands were operating a self-styled "Dega Church,"* which reportedly mixed religious practice with political activism and called for *"ethnic minority separatism."* Regarding the Con Dau incident, the report notes that the arrested six Catholic parishioners *"reportedly started a physical altercation with police."*

In light of these facts and many more, it is my hope that the U.S. Senate will disregard H.R. 1410 and put forward an approach that allows us to strengthen our economic and security ties with Vietnam while negotiating a roadmap on human rights that is based on accurate information. In the U.S. House of Representatives, I hope that the advocates of H.R. 1410 will apply their efforts to assisting Vietnam with Agent Orange clean-up because the mess we left behind is a serious violation of human rights that needs to be corrected once and for all.

PREPARED STATEMENTS OF THE HONORABLE ANN MARIE BUERKLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. Buerkle's Statement on H.R. 2106: Syria Freedom Support Act:

Thank you, Madam Chairman.

I wish to thank the Chairman for laboring to put together this extremely important piece of legislation. This bill represents a massive effort to bring members from both sides of the aisle together in ensuring that we take the necessary action regarding Syria.

The ongoing violence in Syria is deeply disturbing. Thousands of Syrians have died as citizens have risen up in protest to Assad's regime – a regime which has consistently proven to be anti-democratic and oppressive. There is no easy solution for the continued violence, but it is clear that this situation has for some time now been a great cause for concern around the globe, from both a security and humanitarian perspective.

It has been almost a year since uprisings began in Syria, and we still cannot be certain of the Obama Administration's position. I find this very unsettling and, unfortunately, characteristic of this presidency. Mr. Obama has pursued a vague foreign policy – we have seen it in action before, most notably regarding Libya – and it inspires no confidence in the American people, in our allies, or in the people around the globe suffering under oppressive regimes.

In the absence of President Obama's leadership, it is all the more important that Congress presents a strong front and takes action on the situation in Syria. This legislation is a vital step in the right direction.

Thank you, Madam Chairman. I yield back my time.

Ms. Buerkle's Statement on H.R. 890: Tom Lantos Justice for Holocaust Survivors Act

Thank you, Madam Chairman.

I wish to thank the Chairman for her commitment to righting the enduring wrongs of the Holocaust. It is of the utmost importance that we never forget the horrors of the Holocaust and work to ensure that the victims and the families of the victims are treated fairly. It is essential that Americans, and citizens around the globe, care for Holocaust survivors and their heirs.

Although it is impossible to redress the wrongs of the Holocaust, we must strive to ensure that Holocaust survivors and their heirs receive the reparations to which they are entitled. To the best of our ability, Congress must do its part to care for survivors and their heirs by passing fair and effective legislation.

As referenced by my statement at the November 16, 2011 hearing, this legislation could potentially have a negative impact on one of the largest employers of my district. I am very aware of this employer's dedication to process insurance claims from the Holocaust era. Understanding the importance of the issue, I continue to hold reservations concerning the possible consequences of this bill to companies like mine in New York's 25th District, who are in good standing with our community and with the international community, have made good faith efforts to resolve claims and are covered by foreign policy agreements entered into by the United States government.

Thank you, Madam Chairman. I yield back my time.

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