

115TH CONGRESS 1ST SESSION

H. R. 4681

To limit assistance for areas of Syria controlled by the Government of Syria or associated forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2017

Mr. Engel (for himself, Mr. Kinzinger, Mr. Royce of California, and Mr. Brendan F. Boyle of Pennsylvania) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To limit assistance for areas of Syria controlled by the Government of Syria or associated forces, 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.
- 4 This Act may be cited as the "No Assistance for
- 5 Assad Act".
- 6 SEC. 2. FINDINGS.
- 7 Congress makes the following findings:

- 1 (1) Six years into the conflict in Syria, over 11 2 million Syrians have been displaced from their 3 homes and over 400,000 civilians have been killed.
 - (2) Since the conflict in Syria began, the United States has provided more than \$7.4 billion to meet humanitarian needs of the Syrian people, making the United States the world's single largest donor to the Syrian humanitarian response.
 - (3) As the Syrian regime continues the use cluster munitions to carry out indiscriminate attacks against civilians, the United States has played an essential role in clearing unexploded ordnance in Syria, as civilians seek to return home to areas liberated from Islamic State of Iraq and Syria (ISIS).
 - (4) It is estimated that the reconstruction of Syria could cost between \$200 and \$350 billion.
 - (5) According to the 2016 Transparency International Corruption Index, Syria is among the most corrupt countries in the world.
 - (6) Reconstruction funds can be expected to be siphoned off to the regime of Syrian President Bashar al-Assad, given the rampant corruption.
 - (7) In October 2015, a visiting Russian delegation to Syria announced that Russian firms would lead in the effort to rebuild Syria, and Syrian Presi-

- dent Bashar al-Assad reportedly said, "Syria is ready to provide Russian companies with all the contracts worth hundreds of billions of dollars.".
- 4 (8) In August 2017, the Government of the 5 People's Republic of China hosted a trade fair in 6 Syria, and a Chinese-Arab business group an-7 nounced a \$2,000,000,000 commitment from the 8 Chinese government to fund the construction of in-9 dustrial parks in Syria.

10 SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States that United States assistance made available for early recovery, reconstruction, or stabilization in Syria should be used in a democratic Syria or in areas of Syria not controlled by the Government of Syria led by Bashar al-Assad or associated forces.

17 SEC. 4. LIMITATION ON ASSISTANCE FOR AREAS OF SYRIA

18 CONTROLLED BY THE GOVERNMENT OF
19 SYRIA OR ASSOCIATED FORCES.

20 (a) Limitation.—

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(1) In General.—Except as provided in subsection (d), amounts authorized to be appropriated for each of the fiscal years 2018 through 2022 for assistance described in paragraph (2) may be provided under any other provision of law, directly or

- indirectly, for any area of Syria controlled by the
 Government of Syria or associated forces only during a period for which a certification described in
 subsection (b) is in effect.
 - (2) Assistance Described.—Assistance referred to in paragraph (1) is the following:
 - (A) Assistance to enable disaster-affected populations to transition from dependence upon emergency assistance to early recovery and self-reliance, including the restoration of basic services, livelihoods, shelter, and security, and the reintegration of displaced populations.
 - (B) Assistance to carry out stabilization activities for the relevant area.
 - (C) Assistance to carry out reconstruction activities for the relevant area.
- 17 (b) CERTIFICATION.—A certification described in this
 18 subsection is a certification submitted by the President to
 19 the appropriate congressional committees that contains a
 20 determination of the President that the Government of
 21 Syria—
 - (1) has ceased any attacks against civilians and civilian infrastructure as such, including attacks against medical facilities and personnel, and any indiscriminate use of weapons, including through shell-

- ing and aerial bombardment, as demanded in United
 Nations Security Council Resolution 2254 (2015);
- (2) is taking verifiable steps to release all political prisoners and is providing full access to Syrian
 prisons for investigations by appropriate international human rights organizations;
 - (3) is taking verifiable steps to remove senior officials of the Government of Syria who are complicit in the planning, implementation, or coverup of war crimes, crimes against humanity, or human rights abuses and any person subject to sanctions under any provision of law from government positions;
 - (4) is in the process of organizing free and fair elections for a new government to be held in a timely manner and to be conducted under the supervision of United Nations observers with all Syrians, including members of the diaspora, eligible to participate, as supported in United Nations Security Council Resolution 2254 (2015);
 - (5) is making tangible progress toward establishing an independent judiciary;
 - (6) is demonstrating respect for and compliance with internationally recognized human rights and

- basic freedoms as specified in the Universal Declaration of Human Rights;
- 3 (7) is taking steps to verifiably fulfill its commitments under the Convention on the Prohibition 5 of the Development, Production, Stockpiling and 6 Use of Chemical Weapons and on their Destruction 7 and the Treaty on the Non-Proliferation of Nuclear 8 Weapons, is making tangible progress toward becom-9 ing a signatory to the Convention on the Prohibition 10 of the Development, Production and Stockpiling of 11 Bacteriological (Biological) and Toxin Weapons and 12 on their Destruction, and adhering to the Missile 13 Technology Control Regime and other control lists, 14 as necessary;
 - (8) has halted the development and deployment of ballistic and cruise missiles;
 - (9) is taking verifiable steps to remove from positions of authority within the intelligence and security services as well as the military those individuals who were in a position of authority or responsibility during the conflict or who are in a position of authority or responsibility during a transition and who under the authority of their position are implicated in or complicit in the torture, extrajudicial killing, or execution of civilians, to include those who were in-

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- volved in decision making or execution of plans to
 use chemical weapons;
- (10) is making verifiable progress of reforming the Syrian military and security services so as to minimize the Government of Syria's reliance on Iran and Iranian proxy forces to act on behalf or in support of Syria; and
- 8 (11) is in the process of organizing the safe, 9 unfettered and voluntary return of Syrian refugees 10 and internally displaced persons to their homes so 11 that Syrians may return without fear of retribution 12 by the Government of Syria or associated forces.
- 13 (c) RECERTIFICATIONS.—Not later than 90 days 14 after the date on which the President submits to the ap-15 propriate congressional committees an initial certification 16 under subsection (b), and every 90 days thereafter 17 through September 30, 2022—
 - (1) the President shall submit to the appropriate congressional committees a recertification that the conditions described in subsection (b) are continuing to be met; or
- 22 (2) if the President is unable to make such a 23 recertification, the President shall submit to the ap-24 propriate congressional committees a report that 25 contains—

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1	(A) the reasons for which the President is
2	unable to make such a recertification; and
3	(B) a certification that no funds will be ob-
4	ligated or expended to provide assistance de-
5	scribed in subsection (a) in contravention of
6	subsection (a).
7	(d) Exception.—
8	(1) In general.—The limitation on assistance
9	under subsection (a) shall not apply with respect
10	to—
11	(A) assistance for projects to be adminis-
12	tered by local organizations that reflect the
13	aims, needs, and priorities of local communities
14	in Syria; and
15	(B) assistance for projects to meet human-
16	itarian needs, including demining and needs for
17	food, medicine, medical supplies and equipment,
18	education, and clothing.
19	(2) Report.—The President shall submit to
20	the appropriate congressional committees an annual
21	report on each project with respect to which this
22	subsection applies during the preceding calendar
23	year, including—
24	(A) a description of the project;

1	(B) a description of how United States
2	funds with respect to the project were used;
3	(C) the geographic location or locations of
4	the project; and
5	(D) an identification of the implementing
6	partner and a list of senior officials of the im-
7	plementing partner.
8	(3) Sense of congress.—It is the sense of
9	Congress that, to the extent practicable, the United
10	States should only fund projects described in this
11	subsection with respect to which the Government of
12	Syria, any official of the Government of Syria, and
13	any immediate family member of an official of the
14	Government of Syria do not have a financial or ma-
15	terial interest and are not affiliated with the imple-
16	menting partner of the project.
17	(e) Definitions.—In this section:
18	(1) Appropriate congressional commit-
19	TEES.—The term "appropriate congressional com-
20	mittees" means—
21	(A) the Committee on Foreign Affairs and
22	the Committee on Appropriations of the House
23	of Representatives; and

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1	(B) the Committee on Foreign Relations
2	and the Committee on Appropriations of the
3	Senate.
4	(2) Associated forces.—The term "associ-
5	ated forces" includes forces of the Government of
6	the Russian Federation, the Government of the Is-
7	lamic Republic of Iran, Iranian-backed proxy mili-
8	tias, and Hezbollah.
9	(3) Directly or indirectly.—The term "di-
10	rectly or indirectly" includes assistance to multilat-
11	eral institutions and international governmental or-
12	ganizations, such as the United Nations and related
13	agencies, the International Monetary Fund, and the
14	World Bank.
15	SEC. 5. REPORT ON DELIVERY OF UNITED STATES HUMANI-
16	TARIAN ASSISTANCE TO SYRIA.
17	(a) In General.—Not later than 180 days after the
18	date of the enactment of this Act, the Secretary of State
19	and the Administrator of the United States Agency for
20	International Development shall submit to the appropriate
21	congressional committees a report on delivery of United
22	States humanitarian assistance to Syria.

(b) MATTERS TO BE INCLUDED.—The report re-

24 quired by subsection (a) shall include the following:

- 1 (1) A description of the challenges of access to
 2 areas of Syria controlled by the Government of Syria
 3 or associated forces for purposes of providing United
 4 States humanitarian assistance, including assistance
 5 funded through multilateral institutions and inter6 national governmental organizations.
 - (2) A description of where such United States humanitarian assistance has been able to be delivered in such areas.
 - (3) A description of where such United States humanitarian assistance has been denied access in such areas.
 - (4) A description of how the United States Government is working to improve access to such areas.
 - (5) A description of the roles and responsibilities of United States allies and partners and other countries in the region in ensuring access to such areas.
 - (6) A description of how such United States humanitarian assistance and implementing partners of such assistance are monitored and evaluated.
 - (7) A description of the major challenges that the United States faces in monitoring such United States humanitarian assistance and how the United States is working to overcome such challenges.

1	(8) A description of the strategy of the United
2	States to deliver humanitarian assistance to areas of
3	Syria controlled by the Government of Syria or asso-
4	ciated forces and in which the Government of Syria
5	or associated forces is impeding access to such
6	areas.

7 (c) Definitions.—In this section, the term "appro-8 priate congressional committees" and "associated forces" 9 have the meanings given such terms in section 4(f).

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