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Armed Conflict in Syria: Background and U.S. Response

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Summary

The popular-uprising-turned-armed-rebellion in Syria is in its third year, and seems poised to continue, with the government and an array of militias locked in a bloody struggle of attrition. Members of Congress and Administration officials are debating options for responding militarily to President Bashar al Asad's forces' reported use of chemical weapons in attacks on rebel-held areas and civilians. After the U.S. intelligence community concluded that Asad's forces used weapons in limited attacks earlier this year, the Obama Administration had signaled a pending expansion of U.S. civilian and military assistance to the opposition.

Earlier in the conflict, U.S. officials and many analysts asserted that President Asad and his supporters would be forced from power, but had difficulty articulating how that outcome would take place within the timeframes they set forth. Recent developments suggest that both the opposition and the Asad regime face considerable challenges in their attempts to assert greater control over Syria. Increasingly, analysts have focused on the potential for the regime and its opponents to carve out strongholds and prolong the fighting. Rapid escalation or swift regime change could deal a decisive blow to actors seeking to advance goals contrary to U.S. interests, but it could also further jeopardize the security of chemical and conventional weapons stockpiles and/or lead to wider regional conflict.

Opposition forces are formidable, but regime forces, backed by Hezbollah fighters and Iranian and Russian material support, have initiated successful tactical counteroffensives in some areas. The Syrian military continues to use air strikes, artillery, and pro-government militias in punishing attacks on areas where rebels operate. Some members of Syria's Sunni Arab majority and of ethnic and sectarian minority groups—including the Alawite minority from which the Asad family hails—view the conflict in communal, zero-sum terms. U.S. officials believe that fighting would likely continue even if Asad were toppled.

Amid extensive damage to major urban areas and reports attributing war crimes to both government and opposition forces, the war has created a regional humanitarian emergency. Some estimates suggest more than 100,000 Syrians have been killed since March 2011. As of September 6, more than 2 million refugees had fled Syria, and the United Nations projects that the total may reach 3.5 million by year's end. As many as 4.25 million Syrians have been internally displaced. U.S. humanitarian assistance to date totals more than \$1.01 billion.

President Obama and his Administration have been calling for Asad's resignation since August 2011, and have pressed the United Nations Security Council to condemn the Syrian government. The United States has recognized the National Coalition of Revolution and Opposition Forces (SC) as the legitimate representative of the Syrian people and has provided nonlethal assistance to the Coalition and an affiliated Supreme Military Council (SMC). Although the Administration is seeking congressional authorization for the use of force in Syria, and preparing military plans for various contingencies, it continues to maintain that there is "no military solution" and that a negotiated political settlement is essential.

During more than two years of unrest and violence, the central question for policy makers has been how best to bring the conflict in Syria to a close without irretrievably destabilizing the region and/or endangering key U.S. allies or interests. The debate over a potential military response to reported chemical weapons use adds new complications to this question. Given the

human cost and the polarizing effects of the fighting, security, humanitarian, and economic challenges will beset Syria and probably implicate U.S. interests for years to come.

For the latest on proposed legislation to authorize the use of force against Syria, see CRS Report R43201, *Possible U.S. Intervention in Syria: Issues for Congress*, coordinated by Jeremy M. Sharp and Christopher M. Blanchard.

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Assessment

The U.S. intelligence community has assessed “with high confidence” that Syrian government forces used sarin nerve gas in limited attacks earlier this year and conducted a mass casualty chemical weapons attack against rebel held areas near Damascus on August 21, 2013.

In June 2013, the Obama Administration stated that reported chemical attacks would lead the United States to offer more material support to the opposition. Secretary of Defense Hagel and Secretary of State Kerry have stated that the United States is providing lethal assistance to vetted members of the Syrian opposition. In response to the alleged chemical attack in August, the President is seeking congressional authorization for a punitive military response intended to deter the Asad regime from using chemical weapons in the future. Members of Congress have offered divergent views concerning the reported use of chemical weapons and proposed responses.

The war in Syria and the debate over possible punitive U.S. military action against the Asad regime for its alleged use of chemical weapons pose a uniquely challenging series of questions for policy makers. The overarching questions remain how to define, prioritize, and secure the core interests of the United States with regard to Syria’s complex civil war. The immediate questions are whether and how best to respond to the apparent use of chemical weapons in Syria and how such a response might affect U.S. interests and standing regionally and globally. In weighing these questions, Members of Congress and Administration officials are seeking both to protect concrete U.S. national security interests and to preserve abstract international security principles that may serve those interests.

The August 21 incident was the latest and most deadly of a string of reported instances where Syrian forces appear to have used chemical weapons despite President Obama’s prior statement that the transfer or use of chemical weapons is “a red line” that would “change his calculus.” The president and senior members of his Administration have argued that the United States has a national security interest in ensuring that “when countries break international norms on chemical weapons they are held accountable.” Administration officials and some observers believe that by failing to respond after setting out a so-called “red line,” the United States would risk not only undermining any international norms against the use of such weapons but would risk undermining its own credibility. There is also a broader concern about the ramifications of demonstrating that the international community will no longer take action when its established norms are flagrantly violated.

By his own account, President Obama believes that extensive, sustained U.S. military intervention to shape the outcome of Syria’s civil conflict is undesirable. Administration officials have cited a number of reasons for their skepticism about undertaking direct military involvement to shift the balance of power in Syria, including fears of exacerbating the violence; inviting greater regional spillover or intervention; or opening a power vacuum that could benefit the extremists who are part of the opposition. Other foreign policy priorities also have influenced the Administration’s position, such as a desire to maintain the limited international consensus on Iran’s nuclear program and concern that sectarian and strategic competition in Syria could ignite a regional conflict and threaten U.S. allies and security interests. While condemning Asad as a thug and a murderer and aiding some of his adversaries, U.S. officials have continued to stress the need for a negotiated political solution to the conflict in the hopes of keeping the Syrian state

intact, securing its chemical weapon stockpiles and borders, and combating extremist groups now active there.

Some critics have argued that the risks that even a limited military response could pose to these objectives outweigh the potential benefits to the United States of reasserting an international standard or being seen to have reliably followed through on a commitment to act. These arguments suggest that if a military strike makes the political solution desired by U.S. officials less likely or possible, then the destabilizing conflict could continue or worsen. Similarly, this line of argument suggests that if military operations were to dramatically degrade remaining state authority—whether intentionally or unintentionally—then undesired outcomes with regard to terrorism, proliferation, or mass atrocities could occur.

Still other critics of the Administration’s proposals, including some Members of Congress, charge that U.S. hesitation to intervene militarily to protect Syrian civilians and/or help oust the Asad government has unnecessarily prolonged the fighting. Over time, these critics argue, the costs of inaction have grown intolerably as the humanitarian situation has deteriorated, violent extremist groups have seized the initiative, and Syria’s neighbors, including several U.S. partners, have been overwhelmed by refugees and threatened with violence. Others have argued that by failing to halt fighting in Syria, the United States and others are exacerbating already volatile Sunni-Shiite sectarian tensions throughout the Middle East, which poses risks to other strategically important countries. Finally, some critics argue that U.S. global credibility is being diminished by Asad’s reluctance to step down or end abuses of civilians despite U.S. demands.

Sorting through these competing perspectives and prescriptions now falls to Members of Congress as they reconvene to consider the president’s proposed course of action, his request that Congress authorize the use of force, and the future of U.S. policy with regard to the conflict in Syria and its regional consequences.

Conflict Update

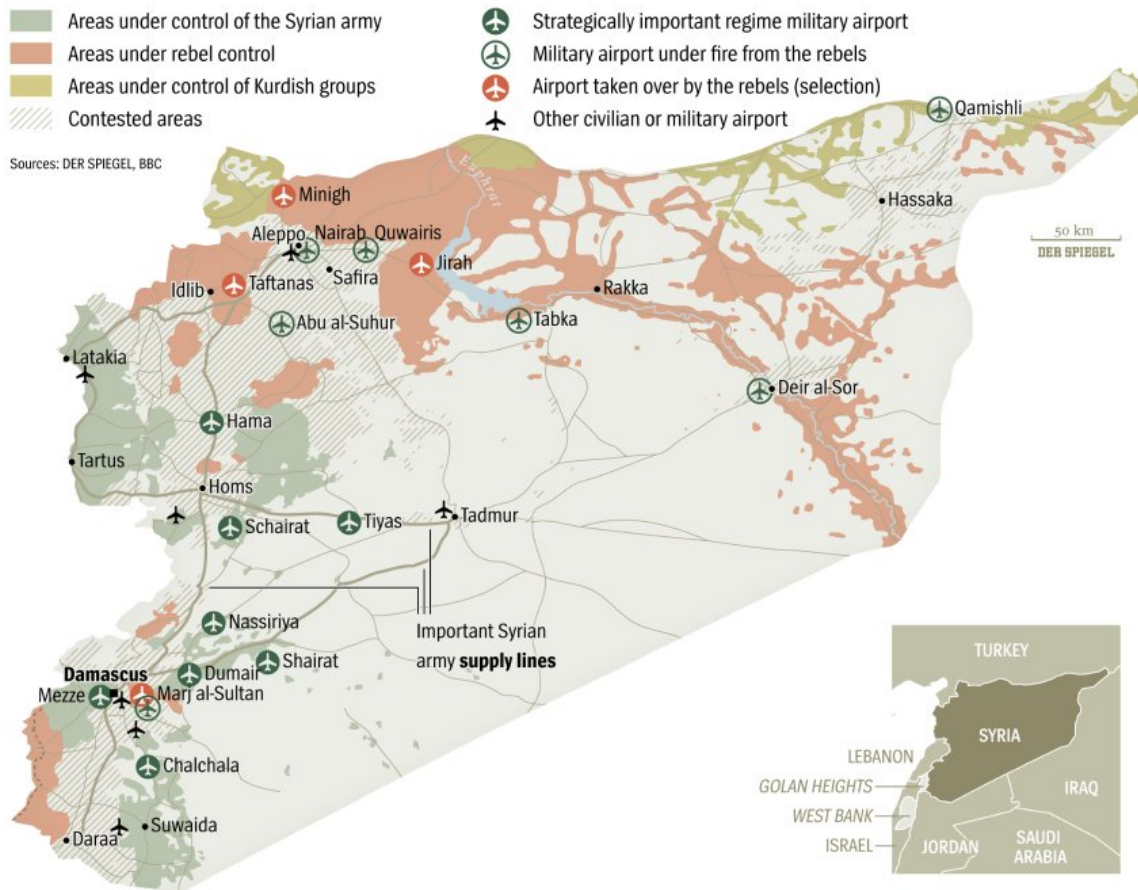
The popular-uprising-turned-armed-rebellion against the Asad regime is in its third year, and seems poised to continue, with the government and a bewildering array of militias locked in a bloody struggle of attrition. Over the course of Syria’s civil war, momentum has shifted between government and rebel forces. Currently, the support provided by Iran and Lebanese Hezbollah fighters appears to have helped enable the Asad regime to wrest the initiative from the opposition in central Syria (such as Homs) and to launch counteroffensives on the outskirts of the capital. The Asad regime retains its advantages in air power, armored equipment, and artillery.

Various opposition forces control areas of northwestern, eastern, and southern Syria (see **Figure 1** below). In areas near the northern city of Aleppo, diverse rebel forces have announced limited tactical successes in recent weeks, including the fall of a key military air base.¹ In the meantime, Kurdish and Arab militia groups have clashed in the predominantly Kurdish areas of northeastern Syria. Finally, reports from some rebel-held northern areas (such as the provincial capital of Raqqa) suggest that jihadist rebels, bolstered by an influx of foreign fighters, are continuing to

¹ “In Syria, Seized Weapons Caches boost Rebels’ Hopes after Weeks of Setbacks,” *Washington Post*, August 21, 2013.

gain strength, as terrorist organizations like the Islamic State of Iraq and the Levant (formerly known as Al Qaeda in Iraq) take root.²

Figure 1. Syria: Mapping the Conflict



Sources: Der Spiegel adapted from BBC and Syria Needs Analysis Project (SNAP), and originally based on information from the U.S. government compiled from media sources.

According to close observers of the conflict, extremist militia groups are “concentrating their efforts on consolidating control in the northern, rebel-held areas of the country,”³ while they and others among the range of “extraordinarily fractured”⁴ militia groups continue to battle regime forces for contested areas. The Supreme Military Council (SMC) to which the United States has provided assistance reportedly “is still far from a functioning rebel leadership.”⁵

² “Al-Qaeda expands in Syria via Islamic State,” *Washington Post*, August 12, 2013.

³ Elizabeth O’Bagy, “On the Front Lines of Syria’s Civil War,” *Wall Street Journal*, August 30, 2013.

⁴ Aron Lund, “The Non-State Militant Landscape in Syria,” United States Military Academy Combatting Terrorism Center (CTC) *Sentinel*, August 27, 2013.

⁵ *Ibid.*

Rebel-held areas appear to be carved up into numerous autonomous zones where different militia groups hold power. Some areas are under the control of armed Islamists, some of whom have begun to govern towns under their control using their interpretation of Islamic teachings as the rule of law. Kurdish groups have announced plans to form a Kurdish “transitional administration” in northeastern and northern Syria and conduct parliamentary elections in areas they control.

As of September 2013, United Nations officials have cited estimates that over 100,000 Syrians have been killed,⁶ including thousands of regime soldiers, police, and pro-government militia members and civilians. According to UN agencies, as many as **4.25 million** Syrians have been displaced inside the country and more than **2 million** Syrian refugees have fled.

Alleged Chemical Weapons Attack and Related Developments

On August 30, the Obama Administration presented intelligence analysis suggesting that the Syrian government was responsible for an August 21 chemical weapons attack against civilians in rebel-held areas of the suburbs of Damascus. The Syrian government continues to categorically deny any responsibility for any chemical weapons attack. For more background, see CRS Report R42848, *Syria's Chemical Weapons: Issues for Congress*, coordinated by Mary Beth D. Nikitin.

Summary of U.S. Intelligence on August 21 Incident

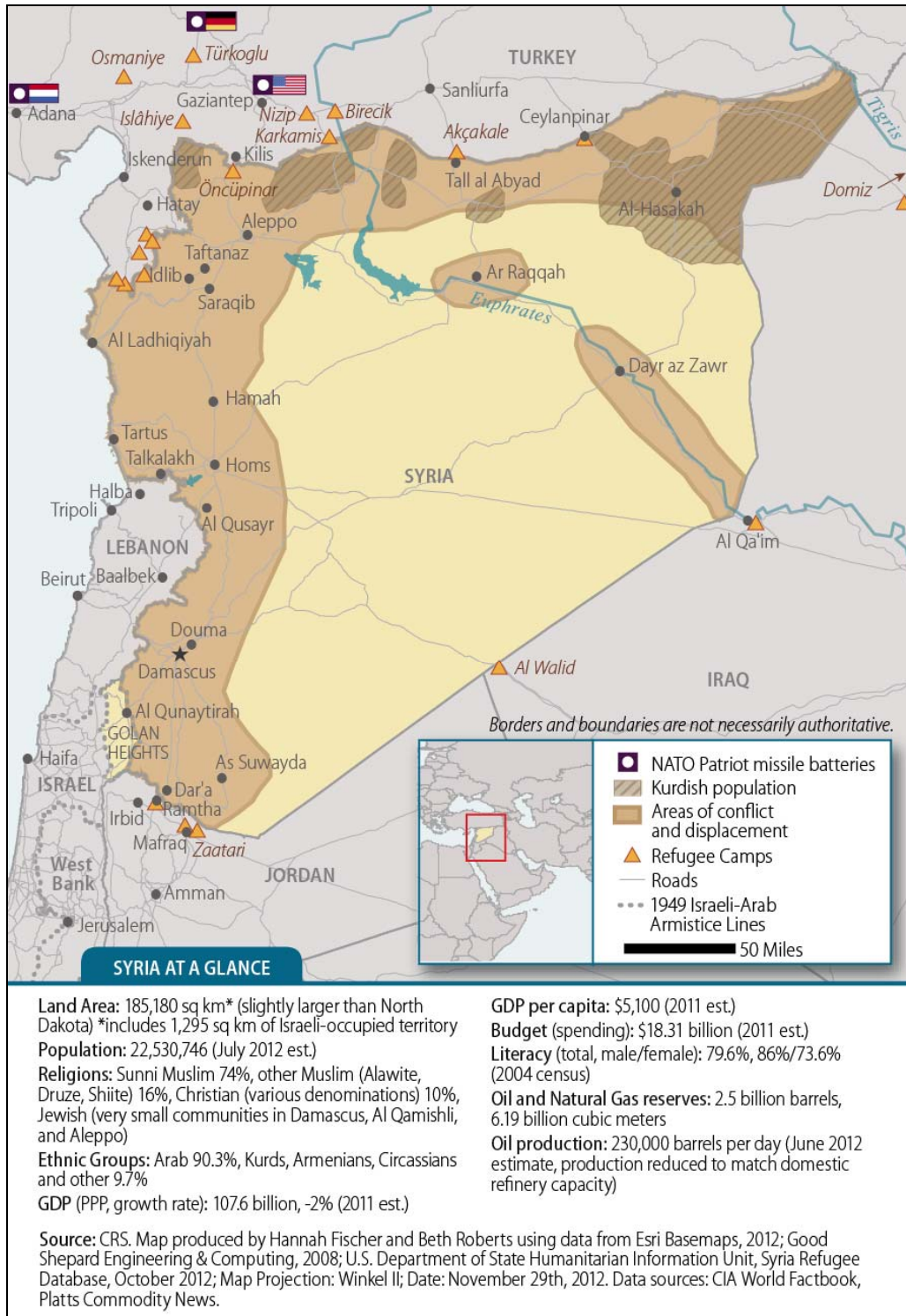
An unclassified summary of the U.S. intelligence community’s assessment⁷ released by the White House concludes, among other things, that:

- The United States Government assesses with high confidence that the Syrian government carried out a chemical weapons attack in the Damascus suburbs on August 21, 2013.
- A preliminary U.S. government assessment determined that 1,429 people were killed in the chemical weapons attack, including at least 426 children.
- The U.S. intelligence community has intelligence that leads it to assess that Syrian chemical weapons personnel—including personnel assessed to be associated with the Syrian Scientific Studies and Research Center (SSRC)—the entity responsible for Syria’s chemical weapons program—were preparing chemical munitions prior to the attack.
- The U.S. intelligence community assesses that that the opposition has not used chemical weapons and the scenario in which the opposition executed the attack on August 21 is highly unlikely.
- Satellite detections corroborate that attacks from a regime-controlled area struck neighborhoods where the chemical attacks reportedly occurred—including Kafr Batna, Jawbar, 'Ayn Tarma, Darayya, and Mu'addamiyah.

⁶ “Syria Death toll tops 100,000: UN,” *Agence France Presse*, July 25, 2013.

⁷ Government Assessment of the Syrian Government’s Use of Chemical Weapons on August 21, 2013.

Figure 2. Map of Syria: Conflict and Basic Data



Historical Background and Syria's Diverse Population

Long before the current uprising, Syrians struggled with many of the challenges that have bred deep dissatisfaction in other Arab autocracies, including high unemployment, high inflation, limited upward mobility, rampant corruption, lack of political freedoms, and repressive security forces. These factors have fueled opposition to Syria's authoritarian government, which has been dominated by the Baath (Renaissance) Party since 1963, and the Al Asad family since 1970. President Bashar al Asad's father—Hafiz al Asad—ruled the country from 1970 until his death in 2000.

The Syrian population, like those of several other Middle East countries, includes different ethnic and religious groups. For years, the Asad regime's strict political controls prevented these differences from playing a divisive role in political or social life. A majority of Syrians, roughly 90% of the population, are ethnic Arabs; however, the country contains small ethnic minorities, notably Kurds, the country's largest distinct ethnic/linguistic minority (7%-10% of the total population). Of more importance in Syria are religious sectarian differences. In addition to the majority Sunni Muslims, who comprise over 70% of the population, Syria contains several religious sectarian minorities, including three smaller Muslim sects (Alawites, Druze, and Ismailis) and several Christian denominations. The Asad family are members of the minority Alawite sect (roughly 12% of the population), which has its roots in Shiite Islam.

Despite the secular nature of the ruling Baath party, religious sects have been important to some Syrians as symbols of group identity and determinants of political orientation. The Asads and the Baath party have cultivated Alawites as a key base of support, and elite security forces have long been led by Alawites. The government violently suppressed an armed uprising led by the Muslim Brotherhood in the early 1980s, killing thousands of Sunni Muslims and others.

Religious, ethnic, geographic, and economic identities overlap in influencing the views and choices of Syrians about the current conflict. Within ethnic and sectarian communities are important tribal and familial groupings that often provide the underpinning for political alliances and commercial relationships. Socioeconomic differences abound among farmers, laborers, middle-class wage earners, public sector employees, military officials, and the political and commercial elite. Many rural, less advantaged Syrians have supported the opposition movement, while urban, wealthier Syrians appear to have mixed opinions. Local attachments also shape Syrian society, as seen in rivalries between Syria's two largest cities of Damascus and Aleppo, in differences between rural agricultural communities and urban areas, and in the concentration of some sectarian and ethnic communities in discrete areas. Despite being authoritarian, Syrian leaders over the years often found it necessary to adopt policies that accommodate, to some degree, various power centers within the country's diverse population and minimize the potential for communal identities to create conflict.

That need is likely to remain, if not intensify, after the current conflict. While sectarian considerations cannot fully explain power relationships in Syria or predict the future dynamics of the uprising, there are indications that as the fighting continues sectarian and ethnic divisions are growing among Syrians. The Sunni Arab majority has been at the forefront of the protest movement and armed opposition to the Alawite-led regime, with Syria's Christians and other minority groups caught between their parallel fears of violent change and of being associated with Asad's crackdown. The Alawite leadership of the Syrian government and its allies in other sects perceive the mostly Sunni Arab uprising as an existential threat to the Baath party's nearly five-decade hold on power. At the popular level, some Alawites may feel caught between the regime's demands for loyalty and their fears of retribution from other groups in the event of regime change or a post-Asad civil war.

Some Sunni Arabs may view the conflict as a means to assert their community's dominance over others, but some Sunni opposition leaders have sought to assuage these concerns. Others have pledged that orderly trials and the rule of law will prevail in any post-conflict setting. However, reports of abuses suggest that rebel leaders at times are unable or unwilling to ensure that such sentiments prevail.

While some Kurds view the conflict as an opportunity to achieve greater autonomy, others are wary of supporting Sunni Arab rebels who, should they come to power, may be no less hostile to Kurdish political aspirations than the Asad government. Some members of Syria's various Christian communities fear that the uprising will lead to a sectarian civil war and that they could be subjected to violent repression, given that Muslim extremist groups have targeted Iraqi Christians since the U.S. invasion of Iraq in 2003. Other Christians reportedly are assisting the armed opposition, including locally active militias and elements of the Free Syrian Army.

Other Key Developments

U.S. Lethal Aid to Elements of the Armed Opposition

Throughout the Syrian civil war, proponents of deeper U.S. involvement in Syria have called on the Administration to offer lethal support to select armed rebel fighters; a policy the Administration considered but initially rejected due to concern, among other things, over the possible transfer of U.S.-supplied equipment to terrorists. Until recently, Obama Administration officials have acknowledged that the United States is providing non-combatant elements of the Syrian opposition with non-lethal assistance, such as medical supplies, food, communications equipment, and training.⁸

In June 2013, the Administration changed direction, after receiving an intelligence assessment apparently confirming that Syrian government forces had used chemical weapons in limited operations several times in the spring of 2013. According to Deputy National Security Advisor for Strategic Communications Ben Rhodes, President Obama decided to expand U.S. assistance to the Supreme Military Council (SMC): “Put simply, the Assad regime should know that its actions have led us to increase the scope and scale of assistance that we provide to the opposition, including direct support to the SMC. These efforts will increase going forward.”⁹

The Supreme Military Council (SMC)

Should the Administration ultimately provide covert military assistance to elements of the armed Syrian opposition, the Supreme Military Council could be one of the primary beneficiaries of U.S. lethal aid. In December 2012, a number of brigades nominally affiliated themselves under the umbrella of a Supreme Military Council (SMC) headed by General Salim Idriss, a former Assad regime military commander who defected. The SMC seeks to administer regional commands with affiliated units nominally reporting through a chain of command to General Idriss, who has yet to assert operational control over all affiliated units. Many opposition figures argue that only through the provision of assistance to the SMC will General Idriss be able to assert such control. According to General Idriss, “Fighters go to where there is money and weapons and if I had the means ... within one or two months everyone would join.... They will know that this is a national institution while the brigades and battalions will eventually disappear.”¹⁰ In the ever-changing landscape of the armed Syrian opposition, Western officials have deemed SMC commanders to be more moderate in their political views than leaders of other armed opposition groups, although the SMC itself includes Islamist units and commanders. SMC members reportedly coordinate on the battlefield with the Syrian Islamic Front, a group that includes an extremist militia known as Ahrar al Sham.¹¹ Overall, many observers believe that while the SMC may be far from an ideal U.S. partner, given the complexity, disunity, and elements of extremism within the Syrian armed opposition, it may be the only feasible U.S. partner available for now. According to one unnamed U.S. source, “Idriss says and does the right things.... We believe he is genuine. Are there concerns? Yes, but what are the options?”¹²

⁸ Such aid reportedly includes tools to circumvent Internet censorship, such as anonymizing software and satellite phones with GPS capabilities. According to another report, the Central Intelligence Agency (CIA) has “supplied encryption-enabled communications gear to opposition groups, presumably enabling the United States to monitor their talks.” CRS cannot verify these reports. See “US Provides Communications Aid for Syria Opponents,” *Agence France Presse*, June 14, 2012; “In Syria Conflict, U.S. Struggles to Fill Intelligence Gaps,” *Washington Post*, July 23, 2012.

⁹ June 13, 2013, Statement by Deputy National Security Advisor for Strategic Communications Ben Rhodes on Syrian Chemical Weapons Use, available online at: [<http://www.whitehouse.gov/the-press-office/2013/06/13/statement-deputy-national-security-advisor-strategic-communications-ben->]

¹⁰ “West pins hopes on Syrian general,” *Financial Times*, April 22, 2013.

¹¹ “Islamist Rebels Create Dilemma on Syria Policy,” *New York Times*, April 27, 2013.

¹² “Obama bets big on Syrian rebel leader,” *Washington Post*, May 1, 2013.

Unnamed officials cited in subsequent press reports have indicated that such assistance would be provided under intelligence authorities by the Central Intelligence Agency and include small arms, ammunition and the possible provision of anti-tank weapons and training.¹³ White House officials have repeatedly declined to publicly describe the content of any increased assistance to the opposition, but have confirmed that President Obama “is committed to ramping up that assistance as necessary because of the circumstances that we find, and because of the need for the opposition to further strengthen and unify.” In a hearing before the Senate Foreign Relations Committee on September 3, Defense Secretary Hagel remarked that “We, the Department of Defense, have not been directly involved in this. This is, as you know, is a covert action.”

General Salim Idriss

General Salim Idriss is currently the Chief of Staff to the armed opposition Supreme Military Council. The 55-year-old Brigadier General defected from the Syrian Army in July 2012 after dozens of his family members reportedly were killed by government forces in the city of Homs. Educated in East Germany, Idriss had been the dean of the Aleppo military engineering academy before his defection. Within the Syrian opposition, he is considered more of a political figure than a respected military commander. He routinely appeals for outside funding and material support to secure the loyalty of various commanders and militias.

Nevertheless, throughout the summer of 2013, numerous reports suggested that alleged U.S. lethal aid to the SMC had stalled. In Congress, some lawmakers initially expressed concern over the Administration’s alleged covert proposal. Both Senate and House intelligence committees had raised questions over the ability of intelligence agencies to monitor weapons flows; the efficacy of covert action to tip the balance of power in favor of U.S.-supported groups; and the Administration’s strategy to avoid further entanglement in Syria’s civil war while allegedly supplying arms to one side.¹⁴

Moreover, implementation of the President’s June policy may have run into other obstacles. According to one article, “U.S. officials attribute the delay in providing small arms and munitions from the CIA weapons program to the difficulty of establishing secure delivery ‘pipelines’ to prevent weapons from falling into the wrong hands, in particular Jihadi militants also battling the Assad regime.”¹⁵ Some observers insist that such concern actually masked continued U.S. reticence to arm groups like the SMC. According to one member of the Syrian Opposition Coalition interviewed in mid-August, “nothing has come through yet, and we haven’t been given a specific date when we’ll see them.”¹⁶ On August 19, Chairman of the Joint Chiefs of Staff General Martin E. Dempsey wrote to lawmakers, saying that “Syria today is not about choosing between two sides but rather about choosing one among many sides. It is my belief that the side we choose must be ready to promote their interests and ours when the balance shifts in their favor. Today they are not.”¹⁷

After the August 21 incident, some lawmakers are calling on the Administration to jumpstart or expand reported covert aid to the Supreme Military Council. According to Senator Bob Corker, in a September 3 hearing of the Senate Foreign Relations Committee, “I want to see us continue to carry out the strategy that has been stated. And that is building the capacity of the vetted, moderate opposition.” However, according to one recent Washington Post-ABC News poll, 70%

¹³ For a description of intelligence authorities, please see, CRS Report R40691, *Sensitive Covert Action Notifications: Oversight Options for Congress*, by Marshall C. Erwin.

¹⁴ “Congress Delaying U.S. Aid to Syrian Rebels –Sources,” *Reuters*, July 8, 2013.

¹⁵ “Still No Arms to Rebel Groups,” *Wall Street Journal*, September 3, 2013.

¹⁶ “U.S. has yet to arm Syrian rebels,” *Los Angeles Times*, August 17, 2013.

¹⁷ See, [http://democrats.foreignaffairs.house.gov/113/Letter_for_Rep_Engel_19_Aug_13.pdf]

of respondents oppose the United States or its allies supplying weapons to the Syrian rebels.¹⁸ In the meantime, some rebel commanders affiliated with the SMC have grown increasingly frustrated by the lack of external assistance and have threatened to break ranks and join more radical rebel groups. On August 22, Colonel Fatih Hasun, a deputy to General Idriss, demanded better weapons and said that his fellow commanders had tired of “false promises of those who call themselves Friends of Syria.”¹⁹

As part of the ongoing debate on possible U.S. military intervention, press reports claiming to cite current and former U.S. officials have come into conflict with the public testimony of high-level Administration policymakers on the question of whether tipping the balance in favor of the opposition by providing arms might be worse than the current stalemate.²⁰ Given that supplying arms to Syrian rebels could occur in conjunction with or as an alternative to direct U.S. military action, public discourse may focus on the relative merits of both options and how they might be calibrated to serve U.S. interests.

As officials continue to debate the merits of expanded military aid to elements of the armed opposition, reports continue to surface of arms financed by Saudi Arabia and other Gulf monarchies being supplied to rebel groups. The SMC also is discussing forming a more formal, unified “army.” According to one report, in southern Syria, where Islamist-oriented armed rebels are less numerous, the SMC is expanding its presence with the assistance of Jordan, Saudi Arabia, and the United States.²¹

Prospects for a Political Settlement

How fast-moving current developments may affect prospects for a negotiated political solution to Syria’s civil war is unclear. Many analysts question the likelihood of the a diplomatic process succeeding amidst continued fighting, more overt foreign intervention, and the regime’s recent use of chemical weapons.

On May 7, Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov announced that the United States and Russia would cooperate to convene an international conference to reach a political settlement. The joint U.S.-Russian initiative was based on the June 2012 Geneva Final Communiqué.²² Since June 2012, Russia has insisted that any internationally-brokered negotiation be based on this agreement, which did not explicitly ban President Asad’s participation in a transitional government despite U.S. and others’ assurances that Asad would have no future role in governance.²³ The Syrian opposition has been divided over the question of

¹⁸ “On Syria, Obama Faces a Skeptical Public,” *Washington Post*, September 3, 2013.

¹⁹ “The fragmenting FSA,” *ForeignPolicy.com*, September 3, 2013.

²⁰ In the September 3 Senate Foreign Relations Committee hearing, Senator John McCain and Secretary Kerry had the following exchange: (McCain) Secretary Kerry, in [a September 3] Wall Street Journal article, [there is a] quote, “The delay in providing arms to the opposition in part reflects a broader U.S. approach rarely discussed publicly, but that underpins its decision-making, according to former and current U.S. officials. The current administration doesn’t want to tip the balance in favor of the opposition for fear the outcome may be even worse for U.S. interests than the current stalemate.” Is that story accurate? (Kerry) No.

²¹ “Syria’s Opposition Considers National Rebel Army, Islamists Angered,” *Reuters*, August 26, 2013.

²² Available online at: [<http://www.un.org/News/dh/infocus/Syria/FinalCommuniquéActionGroupforSyria.pdf>]

²³ Days after the announcement of the U.S.-Russian initiative, Secretary Kerry stated that all sides were working to “effect a transition government by mutual consent of both sides, which clearly means that in our judgment President Assad will not be a component of that transitional government.”

accepting Asad's removal from power as an outcome of a transitional process²⁴ versus insisting on Asad's removal as a precondition to any final settlement. Many different opposition leaders and their foreign backers (such as Turkey and Qatar) endorse Asad's removal as a precondition. Moreover, many observers are doubtful that hardline armed Islamist elements of the opposition would accept a negotiated settlement that included members of the current regime, especially Asad family members.

Following the joint U.S.-Russian announcement, U.S. policymakers aimed to convene a "Geneva II" summit in the summer of 2013. However, elements of the armed opposition balked at participating unless the United States and other donors pledged lethal aid in addition to non-lethal assistance. According to SMC head General Idriss, "If we don't receive ammunition and weapons to change the position on the ground, to change the balance on the ground, very frankly I can say we will not go to Geneva...There will be no Geneva."²⁵ As mentioned above, in June 2013 President Obama did pledge to expand assistance to the SMC while also reiterating the need for a political settlement of the civil war. On June 13, Deputy National Security Advisor Rhodes said:

Any future action we take will be consistent with our national interest, and must advance our objectives, which include achieving a negotiated political settlement to establish an authority that can provide basic stability and administer state institutions; protecting the rights of all Syrians; securing unconventional and advanced conventional weapons; and countering terrorist activity.

Presently, no formal date for the conference has been set. In addition to the uncertainty caused by the possibility of external intervention, Syrians remain divided over the idea of forming a new transitional government as called for in the June 2012 Geneva Final Communiqué. According to a U.S. State Department July 2013 survey, only in opposition-held areas does a majority support the establishment of a transitional government.

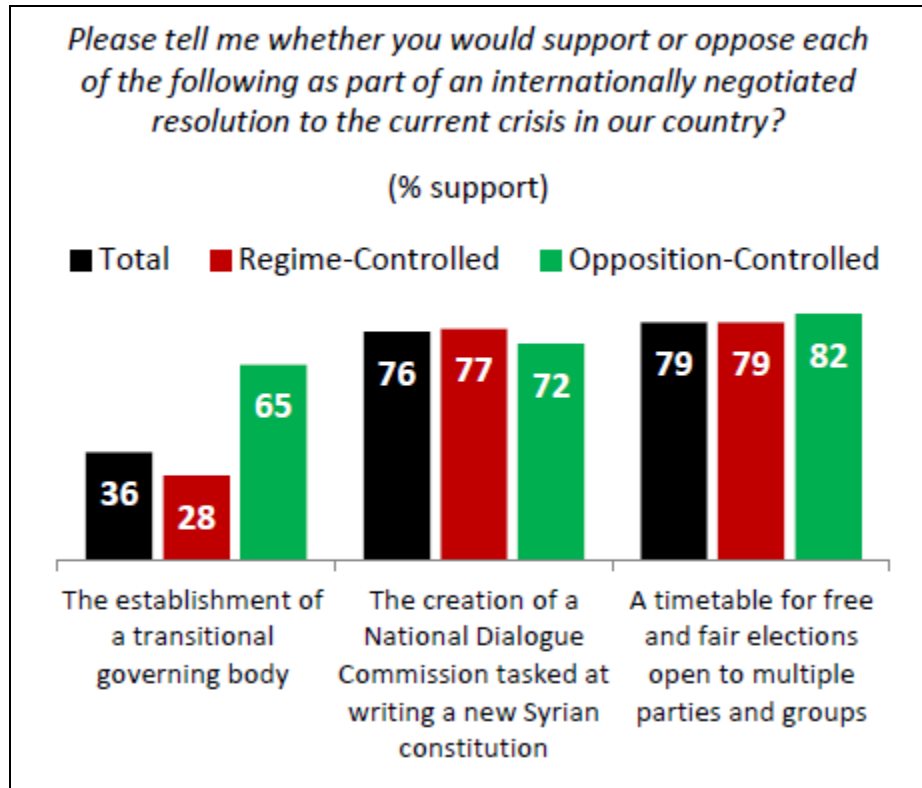
In the spring and summer of 2013, regime tactical advances and the opposition's continued fragmentation and struggles may have bolstered the Asad regime's confidence in its military position, making it less willing to negotiate. Many observers assert that the prospects for negotiations increase only after Syrian government forces suffer significant setbacks on the battlefield. In testimony before the Senate Foreign Relations Committee on September 3, Secretary of State John Kerry stated that "Forcing Assad to change his calculation about his ability to act with impunity can contribute to his realization that he cannot gas or shoot his way out of his predicament. And as I think you know, it has been the president's primary goal to achieve a negotiated resolution, but you got to have parties prepared to negotiate to achieve that."²⁶

²⁴ For example, in Yemen's internationally-brokered 2011-2012 transition, former President Saleh was granted immunity from prosecution and permitted to retain his role as head former ruling party. He stepped down after a 90-day transition period after which Yemen then held an election with only one candidate on the ballot, current President Abed Rabbo Mansour al Hadi.

²⁵ "Syrian Opposition to Sit Out Any Talks Unless Arms Are Sent, General Says," *New York Times*, June 8, 2013.

²⁶ Senate Foreign Relations Committee Hearing on the Authorization for Use of Military Force in Syria, September 3, 2013.

Figure 3. Syrian Public Support for Political Settlement



Source: INR/OPN survey, July 2013

Notes: For Official U.S. Government Use Only

Status of the Syrian Political Opposition

The decentralized nature and divided views of key Syrian opposition forces, coupled with disputes between competing foreign patrons (such as Qatar and Saudi Arabia) have hampered attempts to create a unified front against the Asad regime. Moreover, lack of opposition unity has tempered foreign support for the rebel cause and slowed efforts to create an alternative Syrian government that could receive broad international recognition. Since unrest began in March 2011, no single leader or group has been able to fully establish itself as a universally supported representative of Syrians seeking to oust the Asad regime. Rivalries have developed between local leaders and exiles, among militia commanders on the ground, and between those who seek accommodation with elements of the existing government and those who seek to bring down the entire regime structure. Deep differences of opinion about the future of Syria lurk beneath the surface, with Islamist and secular activists at odds, some Kurds seeking autonomy, and armed extremist groups empowering themselves on the ground.²⁷

The latest attempt to engineer a united opposition front came in October and November 2012, when the United States and others helped facilitate the creation of the National Coalition of

²⁷ Yezid Sayigh, "The Syrian Opposition's Leadership Problem," Carnegie Middle East Center (Beirut), April 3, 2013.

Syrian Revolution and Opposition Forces²⁸ (Syrian Coalition or SC, see **Error! Reference source not found.** below). In pressing for an opposition coalition that would be more inclusive and legitimate, the United States, the Arab League, and other international actors have now extended recognition to the SC as “the legitimate representative of the Syrian people.” The United States has not recognized the SC as the government of Syria.

From late 2012 through April 2013, 52-year-old Ahmed Mouaz al Khatib, a Sunni Islamist opposition activist, served as SC President. He finalized his resignation in April, reportedly in frustration that the United States and others had refused to intervene militarily or overtly provide weaponry. Khatib’s willingness to negotiate with Syrian government figures was criticized within the SC, especially from members of the Syrian Muslim Brotherhood.²⁹ George Sabra was appointed as acting SC president until July 2013, when coalition members elected **Ahmad Jarba** as the new SC president. Jarba, a Sunni Muslim from the Shammar tribe in eastern Syria, is believed to have strong ties to Saudi Arabia. He was imprisoned by the Asad regime for two years (1996-1998) and was jailed again in 2011 during the start of the uprising. He left Syria after his release in August 2011. On September 1, 2013, Jarba urged the Arab League to endorse foreign military intervention in Syria in response to the regime’s use of chemical weapons on August 21.

SC members met in Istanbul in mid-March 2013 and elected a Syrian-born U.S. citizen, Ghassan Hitto³⁰ to serve as the Interim Prime Minister of a planned opposition government to administer rebel-held territory. Hitto had attempted to form a provisional Syrian government in rebel-controlled areas, but his efforts failed, and he resigned in July 2013. The SC has yet to elect his replacement. Presently, it is unclear how external backers of the SC would respond to the formation of an alternative Syrian government, given that U.S. policy supports a negotiated political solution based on the 2012 Geneva Final Communiqué. That document states that the “sovereignty, independence, unity and territorial integrity of Syria must be respected.”

Current policy debates focus on whether the SC is a credible partner and whether and how the United States should empower the SC to better coordinate humanitarian aid and the delivery of local services in order to increase its influence inside the country. U.S. officials and international assistance implementers report that the SC has minimal capacity to deliver assistance inside Syria, in spite of the establishment of its Assistance Coordination Unit (ACU). Instead, local revolutionary councils, relief committees, and the Syrian Arab Red Crescent often oversee the delivery of aid by third parties, with local councils taking responsibility for the reestablishment and provision of services. Persistent SC demands for more forceful intervention and robust lethal support have sought to increase the pressure on U.S. and European policy makers to revisit the

²⁸ Since the beginning of unrest in Syria in 2011, opponents of Asad regime rule, particularly from those in exile, have struggled to create a diverse representation of Syrian society. In May 2013, Syrian opposition figures met in Istanbul, Turkey in attempts to expand SC membership to include more non-Islamist members and strengthen ties between political figures and the armed opposition. At the conclusion of the six-day meeting, 51 new members were admitted to the SC, of which 15 are from the armed opposition. The conference was widely viewed as a diplomatic victory of sorts for Saudi Arabia, which has sought to limit Qatari support for Syrian Islamists and the Muslim Brotherhood. Of the 51 new members, at least 10 are political allies of Michel Kilo, a longtime Syrian dissident whose inclusion in the SC was backed by Saudi Arabia. However, though the SC managed to expand its membership, its days of infighting amidst military setbacks that the opposition has endured may have damaged its legitimacy in the eyes of some Syrians. The Syrian Revolution General Commission announced its withdrawal of support for the SC in the wake of the conference, alleging financial mismanagement and foreign interference.

²⁹ “Syrian Lawmaker Rejects Conditions for Peace Talks,” Associated Press, February 6, 2013.

³⁰ Some opposition sources view Hitto as having been backed by Qatar, which has been accused of supporting Syrian Islamists at the expense of other Syrian figures.

limits they imposed on military support to the uprising. In an August 2013 letter to National Security Advisor Susan Rice, some Members of Congress encouraged the Administration to:

Lead international donors in coordinating with the Syrian Opposition Coalition's Assistance Coordination Unit (ACU). Currently, the ACU is struggling to define its role in the overall humanitarian response and establish realistic expectations among its stakeholders. Furthermore, it has failed to reach out to many Syrian and diaspora aid providers that have access to Syria's interior and are trusted by local communities. The ACU has the potential to become the effective coordinating body that Syrian aid groups and large international NGOs need, but it must take steps to engage them.³¹

Al Qaeda, Extremism, and Foreign Fighters

The armed insurgency against the Assad regime features a complex mix of militant groups bound by geographic proximity, ideological affinity, kinship-tribal ties, or religious sentiment. There are hundreds and perhaps over a thousand different brigades or militias, and as the Syrian civil war has dragged on, many of the most religiously extreme groups have received increasing foreign attention. The violence and disorder paralyzing Syria has created opportunities for Al Qaeda operatives and other violent Islamist extremists to infiltrate the country and conduct or plan attacks. According to one recent study, "At the very least, the current war in Syria can be considered the third-largest foreign mujahideen mobilization since the early 1980s — falling short only of Afghanistan in the 1980s and Iraq during the last decade.... [T]he mobilization has been stunningly rapid — what took six years to build in Iraq at the height of the U.S. occupation may have accumulated inside Syria in less than half that time."³²

In early 2012, Al Qaeda in Iraq (AQI),³³ the Iraqi Sunni terrorist group that attacked coalition forces during the U.S. occupation of Iraq and that continues to destabilize Iraq today, created a Syrian off-shoot called **Al Nusra Front** (Jabhat al Nusra). In December 2012, the Obama Administration designated Al Nusra Front as a Foreign Terrorist Organization and as an alias of Al Qaeda in Iraq (which helped create Al Nusra in early 2012) pursuant to Executive Order 13224. The Iraqi government had previously expressed specific concern that individuals associated with Al Qaeda in Iraq have travelled to Syria and are using the conflict there to their advantage.³⁴

In April 2013, Al Nusra backers split into two factions: one group maintained its original name while Abu Bakr al Baghdadi, the leader of AQI, transformed the other faction into a new group called the **Islamic State of Iraq and Sham (ISIS)**. Al Qaeda central leader Ayman al Zawahiri has instructed the groups to refrain from rivalry. He continues to encourage foreign fighters to travel to Syria and calls on Muslims to offer material support to armed jihadist groups in Syria.

³¹ Hastings Urges National Security Advisor Susan Rice to Increase Cooperation with Syrian NGOs on Humanitarian Aid, Available online at: [<http://alceehastings.house.gov/news/documentsingle.aspx?DocumentID=346785>]

³² "Syria's Jihadi Migration Emerges as Top Terror Threat in Europe, Beyond," *ProPublica*, July 24, 2013. For the original citation, see: [<http://www.propublica.org/documents/item/739377-convoy-of-martyrs-in-the-levant-flashpoint>]

³³ Also referred to as the Al Qaeda-affiliated Islamic State of Iraq (ISI).

³⁴ Iraqi Foreign Minister Hoshyam Zebari said, "We have solid information and intelligence that members of Al Qaeda's terrorist network have gone to Syria." *Al Jazeera English*, "Iraq says al-Qaeda flowing into Syria," July 5, 2012. See also, Al Qaeda in Iraq leader Abu-Bakr al Baghdadi's remarks in OSC Report GMP20120721586002, "Islamic State of Iraq Amir Calls on Sunni Tribes to 'Repent,'" July 21, 2012.

Other prominent armed Salafist groups include members of the Syrian Islamic Front (SIF),³⁵ the Saquour al Sham brigades, the Abdullah Azzam Brigades,³⁶ the Ummah Brigade (*Liwa al Umma*),³⁷ and the Islam Brigade (*Liwa al Islam*).³⁸ The Free Ones of the Levant Battalions (*Kata'ib Ahrar al Sham*) and other members of the SIF use jihadist rhetoric in some statements.

Press reports and anecdotal accounts suggest that there may be competition for influence among extremist groups and that they have lacked overarching coordination or shared leadership. The formation of the SIF and Syrian Islamic Liberation Front (SILF) in late 2012 and early 2013 may signal increasing cooperation among like-minded Islamist militia groups. Experts consider the SIF to hold more hard-line views than the SILF about the imposition of sharia law and members of its constituent militias may hold more hostile views toward the United States and Israel.

The conflict in Syria has provoked a visceral public response in the region and is encouraging some people to make donations to support the Syrian uprising or travel to Syria to support the armed opposition. Some conservative Sunni clerics have issued religious edicts characterizing the fighting as a “defensive jihad” and endorsing the provision of material support to fighters and direct participation in the fighting.³⁹ The late Al Qaeda leader Abu Yahya al Libi released a statement in 2012 urging support for Syrian fighters and Ayman al Zawahiri continues to do so.⁴⁰ In April and June 2013, Al Qaeda figures released statements from Zawahiri calling for fighters in Syria to establish a “jihadist Islamic state.”

European and Middle Eastern media have published estimates of the number of volunteers, which range from the mid-hundreds to low-thousands, along with anecdotal reports about individual volunteers from Europe, North Africa, Turkey, the Gulf states, and the Levant.⁴¹ Northern Lebanon and the Turkish border with northern Syria appear to be the most popular transit points for volunteers, presumably because of better regional air-travel linkages with Beirut and Turkish cities.

Statements from some armed groups indicate that their leaders are cognizant of the risks that certain tactics and rhetoric (i.e., suicide bombing or attacks against civilians) may pose in generating discord with other opposition groups or potential supporters. . The underlying incompatibility of different groups’ motives and intentions could affect prospects to conclusively establish a cohesive and credible opposition, particularly to the extent that some extremist groups

³⁵ See Aron Lund, Syria’s Salafi Insurgents: the Rise of the Syrian Islamic Front, UI Occasional Paper 17, March 2013.

³⁶ A Saudi-national named Majed al Majed reportedly leads the Azzam Brigades. OSC Report GMP20120626966212, “Al-Qaeda in Syria: New Leader at the Helm,” *Al Akhbar* (Lebanon), June 26, 2012.

³⁷ OSC Report GMP20120625125003, “Statement by New Al Ummah Brigade in Syria Promises ‘Jihad’ Until Victory,” June 18, 2012.

³⁸ OSC Report GMP20120719125001, “Liwa al-Islam Brigades Claims Responsibility for Damascus Bombings,” July 19, 2012.

³⁹ OSC Report GMP20120618125001, “Al Shinqiti Calls Jihad in Syria ‘Duty,’ Advocates Joining Al Nusrah Front,” July 6, 2012; OSC Analysis GMF20120706420001, “Syria—Salafis Possibly Eying Larger Role in Post-Al-Asad Syria,” July 6, 2012.

⁴⁰ OSC Report GMP20120612405002, “Abu-Yahya al-Libi Urges Iraqi, Jordanian, Turkish Mujahidin ‘To Champion’ Syria,” June 12, 2012.

⁴¹ *The National* (Abu Dhabi) “Syria, Jihad And the Boys From Tunisia’s Ben Guerdane,” July 3, 2012; OSC Report GMP20120607648001, “Al-Jazirah.net Says Jordan Charges 6 With Trying To Enter Syria To Wage Jihad,” *Al-Jazirah.net* (Doha), June 6, 2012; OSC Report EUP20120523029004, “Foreign Jihadis Flock To Syria in Bid To Overthrow Al Asad,” *Le Figaro* (Paris) May 22, 2012.

are critical of or openly hostile to other armed groups and may oppose efforts to establish democracy in any post-Asad Syria. The pro-sharia rhetoric and transnational orientation of some extremist groups make it possible that they may end up in conflict with secular, nationalist, or Islamist opposition elements. The prominent Syrian Salafist-Jihadist ideologue Abu Basir al Tartusi has openly rejected other jihadists' criticism of the Free Syrian Army and characterized some of the groups and individuals now active in Syria as "extremists" and "fanatics."⁴² This struggle among opposition groups has raised concerns that a post-Asad Syria might be even worse than the Asad regime, and that weapons provided to moderate opposition forces could end up in the hands of extremist groups. On the other hand, some analysts calling for more aid to the Syria opposition apparently not only seek to help them prevail against the Asad regime, but also to improve their influence relative to their extremist counterparts.

U.S. Policy toward Syria: 2011 to Present

Since March 2011, U.S. unilateral and multilateral policy initiatives toward the Syrian civil war have sought to stop the violence, push for the departure of President Asad, and begin a political transition to a more democratic form of government. During the conflict's initial phase, when President Asad met non-violent civil protest with repressive force, the Administration denounced the regime's violent measures, expanded existing U.S. sanctions on Syrian government officials, and insisted that the government enact substantive political reforms to meet protestor demands. After President Asad continued his strategy of violently suppressing dissent while refusing to resign, the Administration called for Asad's resignation in August 2011. For the next year, U.S. officials attempted to work multilaterally through the United Nations to sanction the regime, reach a cease-fire, and endorse a political transition plan. All of these efforts were stymied by Russian and Chinese rejections of such proposals at the Security Council and unabated violence on the ground inside Syria.

After a year of conflict and without any consensus at the United Nations Security Council on approaches to end the violence, President Obama continued to pursue primarily non-military approaches toward the civil war. The White House continued to reject calls for unilateral U.S. military intervention or lethal support to rebel forces. However, during the summer of 2012, reports of alleged Asad regime preparation of munitions with chemical agents led President Obama to remark that the movement or use of such agents would constitute a "red line" and cause him to change his calculus.

With international attempts having failed at the baseline goal of bringing about a durable cease-fire, U.S. officials focused more intently on unifying the Syrian opposition. From September 2012 to February 2013, U.S. policy concentrated heavily on helping lay the foundation for a more unified political and armed opposition that could serve as a recipient of potentially greater U.S. and international support. The United States also took preliminary steps to support the defense of states bordering Syria, such as Turkey and Jordan, with the deployment of Patriot missile batteries to the former and small contingents of U.S. military personnel to the latter.

⁴² "Abu Basir al Tartusi" is the pen name of Abdel Moneim Mustafa Halimah. For more on this topic, see Aron Lund, "Holier Than Thou: Rival Clerics in the Syrian Jihad," *Jamestown Foundation Terrorism Monitor*, Volume: 10, Issue: 14, July 16, 2012.

By the spring of 2013, as the death toll from the conflict had surpassed 70,000 and refugee outflows had reached over a million Syrians, the United States expanded humanitarian aid to U.N. agencies and neighboring states while providing limited, non-lethal assistance to the newly formed Syrian Opposition Coalition. By April 2013, reports that the Administration may be considering lethal assistance also surfaced. Meanwhile, in May 2013, the United States and Russia agreed to jointly work toward convening a peace conference in Geneva in the hopes of bringing Syrian combatants to the negotiating table. However, the lifting of the European arms embargo, reports of new Russian weapons shipments, Hezbollah's acknowledgement of its involvement in the conflict, and indications of continued infighting among opposition groups cast some doubt on the likelihood of successful negotiations.

In June 2013 confirmation by U.S. intelligence of limited chemical weapons use led the Obama Administration to announce an increase in U.S. assistance to non-radical elements of the opposition. The Administration reportedly notified Congress in July 2012 of its intent to begin covert U.S. arming of select groups.⁴³ The extent of U.S. lethal aid to elements of the armed Syrian armed opposition during the summer of 2013 was unclear, as some Syrian rebel commanders continued to publicly insist that more U.S. assistance was needed.

A mass casualty chemical weapons attack in the Damascus suburbs on August 21 was the latest and most deadly of a string of reported instances where Syrian forces allegedly have used chemical weapons despite President Obama's prior statement that the transfer or use of chemical weapons is "a red line" that would "change his calculus." The president and senior members of his Administration have argued that the United States has a national security interest in ensuring that "when countries break international norms on chemical weapons they are held accountable." Administration officials and some observers believe that by failing to respond after setting out a so-called "red line," the United States would risk not only undermining any international norms against the use of such weapons but would risk undermining its own credibility. On August 31, the President stated his conclusion that the United States should respond to alleged Syrian chemical weapons use with limited military strikes.

⁴³ "Divided Over Arming Syrian Rebels, Congress Declines to Block Obama's Plan," *CQ News*, July 23, 2013.

Chronology of U.S. Policy toward Syria and its Neighbors: 2011-2013

Date	Event
April 2011—Present (Sanctions)	Since the beginning of the Syria conflict, the Obama Administration has significantly expanded U.S. sanctions against the regime and its supporters. The Treasury Department has designated dozens of individuals and entities, freezing any U.S.-based assets of theirs and denying them access to the U.S. financial system. For a complete list of sanctions, please see Table D-1
August 2011 (President calls for Asad's Resignation)	On August 18, 2011, President Obama called for the resignation of Syrian President Bashar al Asad, saying "We have consistently said that President Asad must lead a democratic transition or get out of the way. He has not led. For the sake of the Syrian people, the time has come for President Asad to step aside." The President also issued Executive Order 13582 which freezes all assets of the Government of Syria, prohibits U.S. persons from engaging in any transaction involving the Government of Syria, bans U.S. imports of Syrian- origin petroleum or petroleum products, prohibits U.S. persons from having any dealings in or related to Syria's petroleum or petroleum products, and prohibits U.S. persons from operating or investing in Syria.
February 2012 (President suspends Embassy Operations)	The United States suspended its Embassy operations in Damascus and withdrew U.S. Ambassador to Syria Robert S. Ford.
April 2012 (U.S. support for United Nations involvement)	On April 14, 2012, the U.N. Security Council passed Resolution 2042, which approved the deployment of a U.N. advance team of 30 military observers to Syria. It also demanded that the Syrian authorities withdraw security forces from population centers and begin a dialogue with the opposition. The vote marked the first time since protests began that the Security Council was united in demanding a halt to the violence. On April 21, the Security Council passed Resolution 2043, which established—for a 90-day period—a United Nations Supervision Mission in Syria (UNSMIS). The resolution also created a civilian team to help implement elements of the full peace plan, such as the start of a national political dialogue and the government's granting of the right to demonstrate.
June 2012 (U.S.-Russian Endorsement of the Geneva Communiqué)	On June 30 in Geneva, Switzerland, the Action Group on Syria (a group of countries which included the United States) issued a communiqué endorsing a U.N.-proposed peace plan and calling for a transitional government of national unity in Syria that could include members of the opposition and current regime. Such a transitional government would be charged with overseeing the drafting of a new constitution and national elections. In order to secure Russian support for the final statement, the Action Group stated that any transitional government "shall be formed on the basis of mutual consent," a phrase that would give supporters of Asad and the opposition veto power over the selection of unity government leaders.
July 2012 (U.S. support for United Nations involvement)	On July 19, 2012, the Security Council failed to adopt a proposed resolution that would have, among other things, threatened sanctions on Syria if demands to end the violence were not met. Permanent members China and Russia voted against the resolution and Pakistan and South Africa abstained. The resolution would have had the Security Council act under Chapter VII of the United Nations Charter to demand verifiable compliance—within 10 days of the proposed resolution's adoption—with its demands in previous resolutions that Syrian authorities pull back military concentrations from population centers and cease the use of heavy weaponry against them. Russia prominently vetoed two other U.N. Security Council resolutions on Syria in October 2011 and February 2012.
Summer 2012 (President's reported rejection of lethal aid)	Various U.S. media sources have reported that in 2012, then- Secretary of State Hillary Rodham Clinton and then-CIA Director David Petraeus proposed a plan to provide lethal aid (with the assistance of some neighboring countries) to vetted rebel groups. Subsequent testimony revealed that then-Secretary of Defense Leon

	<p>Panetta also was in favor of this proposal, which reportedly was ultimately rejected by the President.⁴⁴</p>
August 2012 (The President on Regime Use of Chemical Weapons)	<p>On August 20, President Obama said, “We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus.... We’re monitoring that situation very carefully. We have put together a range of contingency plans.”</p>
October 2012 (U.S. personnel to Jordan)	<p>In October 2012, then Secretary of Defense Leon Panetta announced that the United States military had sent a task force of “planners and other specialists” to Jordan.</p>
December 2012 (Recognition of the Syrian Opposition)	<p>In order to help unify the long divided Syrian opposition, the United States and others facilitated the formation of the Syrian Opposition Coalition (SC) in November 2012 in Doha, Qatar. The United States extended recognition to the SC as the “legitimate representative of the Syrian people,” though it has not been legally recognized as the government of Syria.</p>
December 2012 (Designation of Al Nusra Front as an FTO)	<p>The United States designated Jabhat al Nusra, a Salafi-Jihadist militia and reported affiliate of Al Qaeda in Iraq, as a Foreign Terrorist Organization, indicating that U.S. interests are not only threatened in the short term by the effects of the current fighting but could be threatened over the long term by the empowerment of extremist groups in Syria.</p>
December 2012 (NATO approves Patriot Missile Deployment to Turkey)	<p>On December 4, 2012, NATO announced that it would deploy Patriot missile defense batteries to areas near the Turkish border, presumably to defend against potential Syrian Scud missile and/or chemical weapons attacks, as Turkey does not have a missile defense capability of its own. The United States, Germany, and the Netherlands have contributed Patriot batteries and operational teams to the Turkish population centers of Gaziantep, Karamanmaras, and Adana, respectively. The batteries reportedly became operational in January 2013.</p>
January 2013 (The President on the prospect of U.S. military intervention in Syria)	<p>In a January 2013 interview with the <i>New Republic</i>, President Obama responded to a question on how he views the violence in Syria by saying: “And as I wrestle with those decisions, I am more mindful probably than most of not only our incredible strengths and capabilities, but also our limitations. In a situation like Syria, I have to ask, can we make a difference in that situation? Would a military intervention have an impact? How would it affect our ability to support troops who are still in Afghanistan? What would be the aftermath of our involvement on the ground? Could it trigger even worse violence or the use of chemical weapons? What offers the best prospect of a stable post-Assad regime? And how do I weigh tens of thousands who’ve been killed in Syria versus the tens of thousands who are currently being killed in the Congo?”</p>
February 2013 (Non-Lethal Aid to Syrian Opposition)	<p>In February 2013, Secretary of State John Kerry announced an initiative to provide new U.S. non-lethal support to the SC and local opposition groups inside Syria. U.S. assistance to the SC and other opposition groups seeks to increase the opposition’s capacity and credibility. To date, the Obama Administration and Congress have repurposed \$250 million to support opposition groups and provide assistance in opposition-controlled areas of Syria.</p>
April 2013 (More U.S. Personnel to Jordan)	<p>In April 2013, the Defense Department announced that it will deploy an Army headquarters element (est. 200 personnel) to Jordan to help local forces defend their border with Syria. The Defense Department noted that U.S. troops dispatched to Jordan would provide training and equipment to Jordanian forces to “detect and stop chemical weapons transfers along Jordan’s border with Syria, and develop Jordan’s capacity to identify and secure chemical weapons assets.”</p>
April 2013 (On alleged Syrian regime chemical weapons)	<p>On April 25, 2013, the White House issued a letter to Congress stating that “our intelligence community does assess with varying degrees of confidence that the</p>

⁴⁴ “Backstage Glimpses of Clinton as Dogged Diplomat, Win or Lose,” *New York Times*, February 2, 2013.

usage)	Syrian regime has used chemical weapons on a small scale in Syria, specifically the chemical agent Sarin.”
May 2013 (Return to the Geneva Communiqué)	On May 7, 2013, Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov announced that the United States and Russia would cooperate to convene an international conference aimed at reaching a political settlement.
May 2013 (Humanitarian Aid)	On May 9, Secretary Kerry announced that the United States is contributing an additional \$100 million in humanitarian assistance, bringing total U.S. humanitarian assistance for those affected by the violence in Syria to nearly \$510 million.
June 2013 (Limited Sanctions Relief)	On June 12, Secretary Kerry announced a partial waiver of preexisting Syrian Accountability Act sanctions restricting exports to Syria to allow, subject to case-by-case review, the export and reexport of certain items to rebel controlled areas. The items available to be licensed under the sanctions change are commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure.
June 2013 (Chemical Weapons Confirmation, Expanded Assistance)	On June 13, White House officials confirmed the U.S. intelligence community’s assessment that “the Asad regime has used chemical weapons, including the nerve agent sarin, on a small scale against the opposition multiple times in the last year.” In response to the assessment, the White House signaled its intent to expand U.S. assistance to the Syrian opposition, including the provision of unspecified support to the Supreme Military Council of the armed opposition.
August 2013 (Chemical Weapons Confirmation)	On August 30, the White House released an unclassified summary of the U.S. intelligence community’s assessment of the Syrian government’s mass use of chemical weapons on August 21. Among other things, the assessment determined that 1,429 people were killed in the chemical weapons attack, including at least 426 children.
August 2013 (President’s Request to Congress for Authorization of Use of Force)	On August 31, President Obama submitted a draft resolution requesting that Congress authorize the use of force for military operations “against Syrian regime targets” to “hold the Assad regime accountable for their use of chemical weapons, deter this kind of behavior, and degrade their capacity to carry it out.”
September 2013 (Lethal Aid to Syrian Opposition)	In early September 2013, U.S. officials publicly acknowledged in hearings before Congress that the Administration had approved a covert program to arm elements of the Syrian opposition. On September 4, in a hearing before the House Foreign Affairs Committee, Secretary of State Kerry said, “we have seen the president take steps in response to the initial attacks of chemical weapons to increase lethal aid to the opposition. That is now known.”

U.S. Assistance to Syria: Issues for Congress

Most U.S. foreign aid going to Syria is for humanitarian assistance. To date, the United States has provided over \$1 billion of humanitarian assistance⁴⁵ both inside Syria and to neighboring countries affected by the conflict. The United States has made humanitarian assistance contributions in response to U.N. appeals and supports projects outside of the U.N. system.⁴⁶ U.S. humanitarian assistance has been drawn from global accounts, including the International

⁴⁵ Cited funds have been provided in FY2012 and FY2013 and include previously appropriated funds. For more information or analysis, contact Rhoda Margesson, CRS Specialist in International Humanitarian Policy, (ext. 7-0425, rmargesson@crs.loc.gov).

⁴⁶ For full details, see USAID, Syria–Complex Emergency Fact Sheet #22, August 22, 2013. Available online at: [<http://www.usaid.gov/sites/default/files/documents/1866/08.22.13%20-%20Syria%20Complex%20Emergency%20Fact%20Sheet%20%2322.pdf>]

Disaster Assistance (IDA), Migration and Refugee Assistance (MRA), and P.L. 480-Title II accounts. On April 5, the State Department notified Congress of its intent to repurpose \$220 million in FY2012 Pakistan Counterinsurgency Capability Funds to increase the FY2012 IDA and MRA account balances for additional humanitarian assistance for Syrians. Section 1707(e) of P.L. 113-6, the FY2013 continuing resolution included increased account totals for the IDA and MRA accounts, which improves the Administration's ability to meet future Syria-related needs with FY2013 funds.

According to the U.S. State Department, the United States also has committed to providing \$250 million in transition support to the SC and SMC. To date, the President has used emergency authority for unanticipated contingencies in Section 451 of the Foreign Assistance Act to identify and repurpose Overseas Contingency Operations funds and Pakistan Counterinsurgency Capability Funds to provide \$54 million in nonlethal support to unarmed opposition groups. In March 2013, the Administration notified Congress of its intent to reprogram an additional \$63 million in OCO funds and use Section 451 authority to further enhance the capabilities of the Syrian Opposition Coalition and local opposition councils inside Syria. In April 2013, the President invoked drawdown authority to provide food and medical assistance to armed opposition elements.

The Obama Administration has acknowledged the funding challenges that the Syria crisis presents and worked with Congress to increase the balances in global humanitarian assistance accounts in the FY2013 final appropriations bill to better meet Syria related needs. However, the Administration has not identified specific additional Syria assistance funding requests in its FY2014 appropriations budget and all indications suggest that the Administration intends to continue to fund Syria opposition assistance efforts on an ad hoc basis by presenting reprogramming requests and emergency contingency notifications to Congress.

Policy debates about U.S. humanitarian and opposition assistance have increasingly focused on whether the United States is receiving adequate political benefit from its assistance efforts. Anecdotal evidence from field reports and aid implementers suggests that many Syrians who may be receiving U.S. assistance remain unaware of its origins, and that the general perception among opposition groups is that the United States remains wary of providing assistance to rebels because of fears of aiding extremist groups.⁴⁷ In response, some Members of Congress and outside observers have argued that the United States should begin to more aggressively "brand" U.S. aid to enhance local perception that the people of the United States stand in solidarity with Syrians.

Humanitarian assistance implementers express concern that the so-called branding of aid delivered into Syria as "American" or "foreign" may make aid personnel and recipients targets of attacks by hostile extremists or Syrian government forces. Some proposed legislation introduced in the 113th Congress would require branding of U.S. assistance for Syrians, with some exceptions for the safety of those delivering assistance and consideration of the successful achievement of U.S. policy objectives (see **Appendix A**).

U.S. assistance programs initiated in 2013 seek to create a grant-making mechanism that would allow the SC to support the local efforts of councils, without creating duplicative arrangements. The feasibility and political consequences of this approach remain to be determined. Some aid delivery organizations and outside observers argue that traditional principles of impartiality and

⁴⁷ CRS Specialist's meetings with U.S. government grantees and Syrian opposition activists, 2013.

neutrality should continue to govern all humanitarian assistance delivery and programs seeking the improvement of local services. Some Syrians may regard efforts to channel assistance via the SC-ACU as an attempt to assert political control over the funds and programs of other groups. Local opposition groups reportedly are very sensitive to the duplication or manipulation of aid delivery efforts to boost the political profile of exile opposition groups or foreign governments.

Possible Appropriations and Authorization Issues⁴⁸

In considering and preparing for possible scenarios in Syria, Members of Congress might consider current and likely future requests for appropriations and authorization from the Administration. Syria's economic situation was difficult prior to the conflict, and the Obama Administration expects that security and reconstruction costs in Syria will be considerable and will require international contributions.⁴⁹ International organizations are already identifying shortfalls in funding and material to respond to the humanitarian needs of Syrians affected by the conflict, and those needs, along with reconstruction costs, could drastically increase if fighting worsens and persists.

Given U.S. national security concerns about terrorism, weapons of mass destruction, and the regional security effects of conflict and potential regime change in Syria, it seems likely that engagement between Congress and the Administration will continue to focus on those areas. However, as part of a transition or negotiated settlement, the U.S. government could be asked to financially support the repatriation or resettlement of Syrian refugees or to provide economic assistance to Syria through contributions at future donors' conferences and/or through international financial institutions. The United Nations, NATO, or the Arab League could be asked to fund, staff, and equip an international peacekeeping or monitoring operation inside Syria. Congress may choose to define authorization criteria and identify potential funds for U.S. contributions to such operations, including through reviewing current recurring obligations in the Peacekeeping Operations (PKO) or Contributions to International Peacekeeping Activities (CIPA) accounts.

Existing Restrictions and Authorities

Syria is among those states explicitly designated in the FY2012 foreign operations appropriation act (Division I of P.L. 112-74; 125 Stat. 1164) as being prohibited from receiving direct aid (§7007; 125 Stat. 1195). However, a number of provisions in that law could make funds available "notwithstanding" other provisions within that law or other laws, including funds for nonproliferation, anti-terrorism, demining and related programs (125 Stat. 1185), foreign military financing as it applies to demining (125 Stat. 1187), contingency funds (§7034(f); 125 Stat. 1214), and democracy promotion (§7034(h); 125 Stat. 1214).

The President also is granted special authority, under Section 614 of the Foreign Assistance Act of 1961, to "authorize the furnishing of assistance without regard to any provision of this Act, the

⁴⁸ CRS Specialist in Foreign Policy Legislation Dianne Rennack (ext. 7-7608) contributed to this section.

⁴⁹ On August 15, 2012, State Department spokesperson Victoria Nuland said, "Syria is not Iraq. It doesn't have that great, vast natural wealth. And depending on how long this goes on, we are already seeing a lot of the economic underpinnings of Syria's prosperity at risk from this fighting. So there's going to have to be a serious rebuilding job that will be Syrian-led obviously, but the international community has to be ready to support, so we're beginning to think about those things."

Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act” if he finds it is “important to the security interests of the United States” and so notifies Congress. Under this provision, the President could make available up to \$50 million in a given fiscal year to Syria. The President is currently using this authority to provide assistance to the Syrian opposition. The Administrator of the U.S. Agency for International Development (USAID) also is authorized to provide agricultural commodities to meet emergency food needs “notwithstanding any other provision of law” pursuant to Title II of P.L. 480.

Addressing Syria’s State Sponsor of Terrorism Status

The Administration and Congress may wish to discuss ways to address Syria’s legal status as a state sponsor of international terrorism in anticipation of any need to provide foreign assistance to a transitional Syrian government. Similarly, the designation of the Al Nusra Front as a Foreign Terrorist Organization and pursuant to E.O. 13224 may complicate U.S.-funded operations in areas under Al Nusra influence or control. Syria has long been identified as a sponsor of terrorism for the purposes of Section 620A of the Foreign Assistance Act of 1961 and Section 6(j) of the Export Administration Act of 1979. This status reflects long-standing Syrian government support for Hezbollah and Palestinian terrorist groups. It remains unclear how any post-Asad government might relate to those groups and other U.S.-designated foreign terrorist organizations. Since Syria has long been identified as a sponsor of terrorism for the purposes of Section 620A of the Foreign Assistance Act of 1961, the President may be required to either issue a national security waiver to provide certain types of assistance to a post-Asad Syrian government or to remove Syria’s designation as a state sponsor of terrorism in consultation with Congress.

Section 620A affords the President two options to remove a terrorist designation: (1) he may immediately remove a designation if there is a “fundamental change in the leadership and policies of the government” of the targeted country, and that government does not support acts of terrorism and has provided assurances that it will not in the future; or (2) he may remove a designation for a government after 45 days if that government has not supported international terrorism for a period of six months and has made assurances to not provide such support in the future.

The President is also authorized to provide assistance pursuant to the Foreign Assistance Act of 1961 regardless of the terrorism designation in the following instances: He may make assistance available for health and disease prevention programs, including funding for HIV/AIDS, tuberculosis, and malaria treatment and prevention efforts (Section 104(c)(4)); he may provide up to \$25 million in any fiscal year for unanticipated contingencies (Section 451); and to some extent he may fund international narcotics control and anticrime programs (Sections 481, 491, respectively). Furthermore, he may furnish defense articles or services in exchange for “necessary or strategic raw material” if he finds it in the U.S. national interest to do so (Section 663).

Under Sections 571 and 582 of the act, the President has broad authority to provide anti-terrorism and nonproliferation assistance to foreign countries notwithstanding other provisions of law, with the exception of human rights and terrorism related restrictions in Section 502B and 620A of the act. Section 620A would restrict the provision of such assistance, in addition to peacekeeping assistance under Section 551 of the act, without a national security waiver. Given the time and certification requirements for removing the designation, it is likely the Administration would seek authorization for the provision of such assistance through such a waiver.

Given the time and certification requirements for rescinding the designation of a state sponsor of international terrorism, the President may seek separate, superseding authorization from Congress for the provision of assistance to Syria, issue a national security waiver of terrorism related restrictions, or invoke existing notwithstanding authorities included in current foreign operations appropriations legislation. The Bush Administration sought and Congress granted separate authorization for Iraq in 2003 for similar reasons: President Bush rescinded Iraq's status as a state sponsor of terrorism in May 2003 under authority granted by Congress in supplemental appropriations legislation.⁵⁰

Other Questions for Congressional Oversight

Possible questions that Congress may wish to consider in light of recent developments include the following.

- What should be the overarching goals of U.S. policy toward Syria? To protect civilians? To further the opposition cause of removing President Asad from power? To secure chemical weapons and prevent extremist groups from taking hold? Can these aims be separated in principle? On the ground?
- What might follow Asad's departure? Would a negotiated solution that preserved elements of the current government be acceptable to the United States? Why or why not?
- What authorities and appropriated funds might the Administration seek under various scenarios? How can existing authorities and appropriations be used to respond to various needs? What is the Administration's view with regard to addressing Syria's status as a state sponsor of terrorism in the event of Asad's departure?
- How are other countries responding to the crisis? Who is willing and able to implement humanitarian or military intervention proposals? On what authority? With what specific resources or forces, for what period, and at what cost? How might direct or indirect military intervention affect ongoing relief and diplomacy initiatives?
- What potential risks and unintended consequences may stem from various intervention proposals? What are the potential risks and consequences of opting not to intervene? How will regional security be affected?
- What signals might suggest that a collapse of the Syrian regime is imminent? What signals might suggest that the current pattern of conflict by attrition will persist? What developments could trigger direct intervention by regional actors, and how should the United States respond to intervention?

⁵⁰ President Bush rescinded Iraq's status as a state sponsor of terrorism pursuant to Section 1503 of P.L. 108-11 by issuing a memorandum to the Secretaries of State and Commerce and notifying Congress. Section 1503 states "that the President may make inapplicable with respect to Iraq Section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism. . . . provided further that the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives." See President George W. Bush, Message to the Congress Reporting the Declaration of a National Emergency With Respect to the Development Fund for Iraq, May 22, 2003.

- What political and security fault lines exist among Syrian opposition groups and how might various scenarios affect prospects for conflict or cooperation between them?
- What role are extremist groups playing in the violence and what might their future role be in Syria if the conflict ends? How can the United States best limit opportunities for violent extremist groups to take advantage of continued conflict or regime change in Syria?
- How can the United States prevent the use, theft, or transfer of Syria's unconventional weapons? How can the United States and its allies prepare to secure and limit the proliferation of conventional weapons stockpiles in Syria, including missiles?
- How should the United States respond to the humanitarian needs of the Syrian people and address the impact of Syrian refugees on neighboring countries?
- What steps should the United States take in its engagement with Syrian opposition groups and regional actors to increase the likelihood of a post-conflict transition process that will lead to stability for Syria and the region? Are secular and Islamist Syrian opposition groups likely to prove hostile to Israel? How might regime change affect prospects for a Syrian-Israeli peace agreement? How likely are Syrian Kurds to remain at odds with Turkey and Syrian Arabs?
- What steps is the Administration taking to ensure that the policies of U.S. assistance recipients with regard to weapons of mass destruction, weapons proliferation, terrorism, and human rights are compatible with U.S. goals and interests? How credible are opposition leaders' commitments on these issues?
- What are the risks of additional spillover violence in Lebanon, Turkey, Israel, and Jordan, and what steps should the United States take to eliminate or minimize these risks? Would a greater spread of violence across borders change the U.S. calculus regarding military intervention? If so, please explain how.

Legislation introduced in the 113th Congress related to Syria is summarized in **Appendix A**. Legislation introduced in the 112th Congress related to Syria is summarized in **Appendix B**. **Table D-1** in **Appendix D** summarizes U.S. sanctions activity since the start of the uprising in March 2011.

Appendix A. Syria Legislation in the 113th Congress

For the latest on proposed legislation to authorize the use of force against Syria: see CRS Report R43201, *Possible U.S. Intervention in Syria: Issues for Congress*, coordinated by Jeremy M. Sharp and Christopher M. Blanchard.

Bills

- S. 960, The Syria Transition Support Act of 2013. Would, among other things, authorize the President, notwithstanding any other provision of law that restricts assistance to Syria, to provide assistance, including defense articles, defense services, and training to vetted members of the Syrian Supreme Military Council, units of the Free Syrian Army, and other Syrian entities opposed to the government of Bashar al Asad. The bill would grant broad authority to provide humanitarian assistance to the Syrian people and authorize the creation of a \$250 million Transition Fund to provide security, transitional justice, democracy building, and governance capacity building support as part of a post-Asad transition. The bill would also prohibit U.S. military aid to U.S.-designated Foreign Terrorist Organizations (such as Jabhat al Nusra) and would prohibit surface-to-air defense systems including shoulder fired missiles from being transferred to any armed Syrian group unless the President certifies certain conditions. Approved by the Senate Foreign Relations Committee as amended by a 15-3 vote in May 2013.
- H.R. 1327, the Free Syria Act of 2013. Would authorize the President “notwithstanding any other provision of law, to provide such assistance as may be necessary for protection of populations affected by the conflict in Syria.” Section 205 of the bill states that, “Nothing in this Act may be construed to authorize the use of military force in Syria by the United States Armed Forces.” The bill would authorize the President “to make available such assistance as may be necessary to enhance the capacity, performance of Syrian opposition-allied local coordination committees.” Would authorize the transfer of any non-designated foreign assistance account funds to “any humanitarian account” in order “to address needs arising as a result of the conflict in Syria.” Would require U.S. economic assistance to be marked “From the American People” with some exceptions.
 - Would authorize the President, notwithstanding any other provision of law, to direct the drawdown of defense articles, services, education, and training for eligible groups. Allows lethal assistance with required certification. Would prohibit provision of “anti-aircraft defensive systems” unless a “vital national security interest” waiver, certification, and report are issued. Would require notification of obligations to Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Would require the President to certify that military aid provided is “consistent with the maintenance of regional stability and with the overall security and stability of neighboring friends and allies.” Any anti-aircraft support would require an accompanying report detailing recipients, deployment, targets, risks and benefits. Entities failing to “demonstrate a commitment” to opposing and defeating Assad regime; “establishing a democratic, pluralistic, and peaceful Syria”; and securing and safeguarding WMD would be ineligible as are FTOs and SDGTs. States that

security assistance should be provided “to the maximum extent practicable” in accordance with current human rights provisions (22 U.S.C. 2378d).

-Would authorize the President notwithstanding any other provision of law to establish a program with “a Syrian entity” to “secure, safeguard, disable, dismantle, transport out of Syria, or destroy chemical and biological weapons, their precursor and constituent parts and associated equipment, and establish verifiable safeguards against the proliferation of such weapons.”

-Would authorize the President to provide democracy, economic and political stabilization, reconstruction, and reconciliation assistance after determining that the regime of Bashar al Assad is no longer in power, the U.S. government has recognized a transitional government, and that such a transitional government is not controlled by an FTO. Authorization would include “and notwithstanding any other provision of law.”

-Would authorize the President to temporarily suspend for 3 month intervals the requirements of P.L. 108-75 and “any other provision of law relating to assistance, trade, finance, the provision of defense articles and defense services, and the issuance of visas to nationals of Syria” following a determination that a post-Assad government “is demonstrating a verifiable commitment” to ceasing terrorist support; preventing missile and WMD transfer; dismantling WMD programs, refraining from threatening U.S. national security, interests, and allies; respecting boundaries and sovereignty of neighbors; and upholding human rights. Would provide for two six month renewals pending “substantial progress” determinations. Would provide for additional renewals upon determination of achievement of security conditions and substantial progress on human rights.

- S. 617, the Syria Democratic Transition Act of 2013. Would state that it is the policy of the United States—“to support civilians and innocent victims of the conflict in Syria”; “that the National Coalition for Syrian Revolutionary and Opposition Forces (SC) is the sole and legitimate representative of the Syrian people”; “...to support the National Coalition for Syrian Revolutionary and Opposition Forces (SC) efforts to establish a transitional government”; and, “to affirm that the end of the Assad regime is in the national security interests of the United States.” The bill would authorize the President, “notwithstanding any other provision of law” to furnish assistance “on such terms and conditions as the President may determine” for a series of stated purposes. Would require U.S. economic assistance to be marked “From the American People” with some exceptions. Would authorize the President, “notwithstanding any other provision of law,” to “furnish assistance, and make contributions” to provide training and nonlethal support to armed elements of the Syrian opposition. Would authorize the President, “notwithstanding any other provision of law,” to “conduct activities” in support of securing weapons in Syria. States the President should enact financial sanctions against entities facilitating “significant” arms sales to the Syrian government. Would require implementation reporting within 60 days.
- H.R. 893, Iran, North Korea, and Syria Nonproliferation Accountability Act of 2013. Directs the President to impose sanctions for not less than two years on any foreign person who on or after September 1, 2007, transferred to or acquired from Iran, Syria, or North Korea: (1) certain listed nuclear, dual use, missile, chemical, biological, toxic, or nonlisted but otherwise prohibited goods, services, or technology; (2) acquired, mined, or otherwise extracted materials within the territory or control of Iran, North Korea, or Syria for purposes relating to such

- countries' nuclear, biological, or chemical weapons, or missile development programs; (3) transferred to Iran, Syria, or North Korea goods, services, or technology that could assist such countries' efforts to extract or mill uranium ore; or (4) provided a vessel, insurance, or any other shipping service for transporting goods to or from Iran, North Korea, or Syria for purposes relating to such countries' nuclear, biological, or chemical weapons, or missile development programs.
- H.R. 1922, Foreign Assistance Under Limitation and Transparency Act or the FAULT Ac. Prohibits funds made available to any federal agency after FY2013 from being used to provide foreign assistance to Iran, North Korea, Syria, Egypt, and Pakistan. Exempts agricultural commodities, medicine, and medical devices, provided that the aggregate value in any fiscal year does not exceed \$50 million.
 - H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. Contains Section 1205, which would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the military and civilian response organizations of Jordan, Kuwait, Bahrain, the United Arab Emirates, Iraq, Turkey, and other countries in the region of Syria in order for such countries to respond effectively to incidents involving weapons of mass destruction in Syria and the region. In addition, Section 1249 requires disclosure of and report on Russian Support of Ballistic Missile Programs of China, Syria, Iran, and North Korea. Section 1251 includes a sense of Congress on the Conflict in Syria, which, among other things, states that: the President should fully consider all courses of action to reinforce his stated 'redline' regarding the use of weapons of mass destruction by the Assad regime in Syria, which could threaten the credibility of the United States with its allies in the region and embolden the Assad regime.
 - H.R. 2432. Prohibits funds made available to any federal department or agency for any fiscal year from being obligated or expended to provide military assistance to any of the armed combatants in Syria absent express prior statutory authorization from Congress.
 - H.R. 2492. Would prohibit funds made available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities to be obligated or expended for the purpose of, or in a manner which would have the effect of, supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
 - H.R. 2494. Would prohibit funds made available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose of, or in a manner which would have the effect of, supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
 - H.R. 2501, Congressional Accountability and Oversight in Syria Act. Prohibits assistance (except for humanitarian assistance) for the purpose, or which would have the effect, of promoting the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Syria, unless and until Congress expressly authorizes such assistance by law.

- H.R. 2503. Prohibits the obligation or expenditure of funds made available to the Department of Defense (DOD) or any other U.S. government department or agency for military assistance to opposition forces in Syria.
- H.R. 2507. Prohibits funds made available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities from being obligated or expended for the purpose of, or in a manner which would have the effect of, supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
- H.Con.Res. 40. Expresses the sense of Congress that: (1) the President is prohibited under the Constitution from the offensive use of the U.S. Armed Forces in Syria without prior express authorization by an Act of Congress or without a prior express appropriation of funds for that purpose by an Act of Congress; and (2) the President's defiance of those constitutional limitations on his authority to initiate war would constitute an impeachable high crime and misdemeanor under article II, section 4 of the Constitution.
- H.Res. 223. Calls on: (1) the Syrian Opposition Coalition to publicly outline a detailed vision of inclusion for all of Syria's people, including a guarantee of full citizenship and equality under the law; and (2) the Obama Administration, in cooperation with international and regional partners, to continue to support the Coalition as it develops mechanisms of transitional justice guaranteeing the rights of all citizens under the law, and to support the Coalition as it forms an inclusive and democratic provisional government. Urges all parties in the conflict to respect international humanitarian law, protect minorities, preserve minority cultural and religious sites, and hold accountable those who violate such norms.
- H.Res. 229. Condemns the ongoing violence and the systematic human rights violations carried out by Syrian government forces under President Bashar al-Assad's direction, as well as abuses committed by opposition forces. Supports the people of Syria seeking peaceful democratic change. Calls on the U.N. Security Council, based on evidence that war crimes and crimes against humanity have been perpetrated in Syria, to refer the situation to the International Criminal Court.
- H.R. 2397, Department of Defense Appropriations Act, 2014. Includes Section 10034, which states that none of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the Congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).
- S. 856, Syria Stabilization Act of 2013. Among other things, would authorize the President, notwithstanding any other provision of law and using funds made available for foreign assistance, to provide assistance, including defense articles, defense services, and training to members of the Syrian Supreme Military Council, units of the Free Syrian Army, and other Syrian entities opposed to the government of Bashar al-Assad.

- S. 1201, Protecting Americans from the Proliferation of Weapons to Terrorists Act of 2013. Would prohibit funds made available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities from being obligated or expended for the purpose of, or in a manner which would have the effect of, supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
- S. 1372, Department of State, Foreign Operations, and Related Programs Appropriations Act, Fiscal Year 2014. Would, among other things, make appropriations available for assistance for Syria under titles III and IV of this Act, notwithstanding any other provision of law. In addition, funds appropriated under for programs in Syria may only be made available after the Secretary of State, in consultation with the heads of relevant United States Government agencies, submits, in classified form if necessary, a comprehensive strategy to the appropriate congressional committees, which shall include a clear mission statement, achievable objectives and timelines, and a description of inter-agency and donor coordination and implementation of such strategy: Provided, That such strategy shall also include a description of oversight mechanism and vetting procedures to prevent the misuse of funds.
- S. 1429, Department of Defense Appropriations Act, 2014. Would, among other things, prohibit funds made available by this Act to be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

Appendix B. Syria Legislation in the 112th Congress

Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)

- P.L. 112-158/H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012, codifies the sanctions on Syria contained in E.O. 13606 and includes in Title VII, “Sanctions with Respect to Human Rights Abuses in Syria.” This section directs the President to identify and impose specified sanctions on: (1) Syrian government officials or persons acting on behalf of that government who are responsible for or complicit in the commission of serious human rights abuses against Syrian citizens or their family members, regardless of whether such abuses occurred in Syria; (2) persons who knowingly transfer or facilitate the transfer of goods or technologies (weapons, surveillance technology, or technology to restrict free speech or the flow of information) that are likely to be used by Syria to commit human rights abuses against the Syrian people; and (3) persons who engage in censorship that prohibits, limits, or penalizes freedom of expression by Syrian citizens. Section 604 states, “Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.”

FY2013 Appropriations and Authorization Legislation

- In report language accompanying H.R. 5857, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2013, appropriators note under the heading “Global and Regional Programs/ Middle East Response” that “The Committee is troubled by the ongoing violence in Syria and notes that funds under this heading should continue to be made available to assist the Syrian people. All funds for Syria are subject to the notification procedures of the Committees on Appropriations, pursuant to section 7015(f) of this Act.”
- In report language accompanying the Senate version of the bill, S. 3241, appropriators recommended \$2 million for the National Endowment for Democracy programs in Syria. According to the report, “The Committee recognizes the comparative advantages of the NED in the promotion of democracy and human rights abroad, particularly given its status as an NGO, unparalleled experience in promoting freedom during the cold war, and continued ability to conduct programs in the most hostile political environments.”
- House and Senate Amendments to H.R. 4310 and S. 3254, the House and Senate versions of the National Defense Authorization Act for Fiscal Year 2013. See **Amendments** below.

Bills

- H.R. 2105, The Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011—Stated that it shall be U.S. policy to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies. Would have, among other things, prohibited U.S. nuclear

- cooperation agreements and related export licenses and transfers of materials, services, and goods with a country that assists the nuclear program of Iran, North Korea, or Syria, or is transferring advanced conventional weapons to such countries.
- H.R. 2106, The Syria Freedom Support Act—Would have, among other things, sanctioned the development of petroleum resources of Syria, the production of refined petroleum products in Syria, and the exportation of refined petroleum products to Syria.
 - H.R. 5993, The Syria Non-Intervention Act of 2012—Would have prohibited the use of funds available to the Department of Defense or an element of the intelligence community for the purpose of, or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
 - S. 1048, The Iran, North Korea, and Syria Sanctions Consolidation Act of 2011—Amends the Iran, North Korea, and Syria Nonproliferation Act to include in the scope of such act a person that (1) acquired materials mined or extracted within North Korea’s territory or control; or (2) provided shipping services for the transportation of goods to or from Iran, North Korea, or Syria relating to such countries’ weapons of mass destruction programs, support for acts of international terrorism, or human rights abuses. Excludes from such provisions shipping services for emergency or humanitarian purposes.
 - S. 1472, The Syria Sanctions Act of 2011—would have denied companies that conduct business in Syria’s energy sector (investment, oil purchases, and sale of gasoline) access to U.S. financial institutions and required federal contractors to certify that they are not engaged in sanctionable activity.
 - S. 2034, Syria Human Rights Accountability Act of 2012—Would have imposed sanctions on persons who are responsible for or complicit in certain human rights abuses. Also would have prohibited procurement contracts with persons that export sensitive technology to Syria.
 - S. 2101, Iran Sanctions, Accountability, and Human Rights Act of 2012—Would have imposed, among other things, sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.
 - S. 2152, Syria Democracy Transition Act of 2012—Would have imposed, among other things, sanctions on foreign financial institutions that conduct transactions with the central bank of Syria.
 - S. 2224, Would have required the President to report to Congress on issues related to Syria—Directed the President to report to Congress regarding (1) opposition groups operating inside or outside of Syria to oppose the Syrian government, and (2) the size and security of conventional and non-conventional weapons stockpiles in Syria.
 - S. 3498, Syria Humanitarian Support and Democratic Transition Assistance Act of 2012—Made several statements of policy regarding human rights violations, assistance to the Syrian people, weapons security, and support for transitional governance in Syria. Would have directed the President to appoint a Special

Envoy for Syria. Encouraged the President to provide bilateral assistance in the form of relief and transition support and would have authorized “such sums as may be necessary ... for bilateral assistance programs in Syria” for FY2013 and FY2014. Would have authorized increased funding to countries “that have experienced an influx of refugees from Syria.” Encouraged the development of a transition and security plan for Syria and would have required reporting on implementation.

Resolutions

- H.Res. 296/S.Res. 180, A resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Asad Regime—Among other things, it urged the “President to continue to work with the European Union, the Government of Turkey, the Arab League, the Gulf Cooperation Council, and other allies and partners to bring an end to human rights abuses in Syria, hold the perpetrators accountable, and support the aspirations of the people of Syria.”
- H.Res. 632, A resolution that, among other things, commended the leadership of the Government of Turkey in calling for an end to the violence in Syria and for its responsiveness to the humanitarian needs of Syrian refugees.
- H.Res. 687, A resolution that, among other things, called on the United Nations Security Council, based on evidence that crimes against humanity have been perpetrated by Syrian government forces, to refer the situation of Syria to the International Criminal Court.
- H.Res. 763, A resolution that, among other things, called on all parties in the conflict in Syria to respect the human rights and religious freedom of Syrian citizens.
- H.Res. 770, Expressed the sense of the House of Representatives that (1) only Congress has the constitutional authority to declare war, (2) President Obama should set clear objectives for the U.S. Armed Forces before sending them into battle, (3) President Obama should indicate a direct national security interest in placing the U.S. Armed Forces in harm’s way, and (4) the government of Syria has surrendered all claims of legitimacy by massacring its own people and should peacefully transfer power to a democratically elected government.
- S.Res. 370/H.Res. 549, A resolution calling for democratic change in Syria, would state the Senate’s condemnation of “ongoing, widespread, and systemic violations of human rights conducted by authorities in Syria” and calling on Bashar al Asad to step down. The non-binding resolution would have urged the President to support a democratic transition in Syria, establish a Friends of Syria Contact Group, develop a strategy to encourage further military defections, and “develop a plan to identify weapons stockpiles and prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.”
- S.Res. 379, A resolution that, among other things, expressed strong disappointment with the Governments of the Russian Federation and the People’s Republic of China for their veto of the United Nations Security Council resolution condemning Bashar al Asad and the violence in Syria and urged them to reconsider their votes.

- S.Res. 391/H.Res. 629, A resolution that, among other things, called on Syria to (1) open the country to independent and foreign journalists; and (2) release all detained journalists, videographers, and bloggers.
- S.Res. 424, A resolution that, among other things, supported calls by Arab leaders to provide the people of Syria with the means to defend themselves against Bashar al-Assad and his forces, including through the provision of weapons and other material support, and called on the President to work closely with regional partners to implement these efforts effectively; urged the President to take all necessary precautions to ensure that any support for the Syrian opposition does not benefit individuals in Syria who are aligned with al Qaeda or associated movements, or who have committed human rights abuses; and affirmed that the establishment of safe havens for people from Syria, as contemplated by governments in the Middle East, would be an important step to save Syrian lives and to help bring an end to Mr. Assad's killing of civilians in Syria, and called on the President to consult urgently and thoroughly with regional allies on whether, how, and where to create such safe havens.
- S.Res. 428, A resolution that, among other things, urged the President to formally establish the Atrocities Prevention Board established by Presidential Study Directive-10 in August 2011, and for the Board to provide recommendations to the President concerning the prevention of mass atrocities in Syria.
- S.Res. 435, A resolution that, among other things, strongly urged all Governments, including the Republic of Belarus and the Democratic People's Republic of Korea, to refrain from providing any additional military or security assistance to the Government of Syria.
- S.Res. 494, A resolution that, among other things, condemned the Government of the Russian Federation for its long-standing and ongoing support for the criminal regime of President Bashar al-Assad in Syria.

Amendments

- H.Amdt. 1131 to H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, agreed in the House of Representatives May 18, 2012, an amendment to limit the availability of funds for Cooperative Threat Reduction activities with Russia until the Secretary of Defense can certify that Russia is no longer supporting the Syrian regime and is not providing to Syria, North Korea, or Iran any equipment or technology that contributes to weapons of mass destruction programs.
- S.Amdt. 3262 to S. 3254, the National Defense Authorization Act for Fiscal Year 2013, agreed to in the Senate December 4, 2012, and incorporated in the conference bill H.R. 4310, an amendment to require the Secretary of Defense to submit a report to congressional defense committees identifying options to “deny or significantly degrade” the Syrian military's ability to use air power against civilians and the opposition. Specifically, the report would require an assessment of the deployment of air defense systems, the establishment of no-fly zones, limited air strikes, or “other military activities.”
- Section 1295 of H.R. 4310, the conference version of the National Defense Authorization Act for Fiscal Year 2013, requires the Administration to provide a

report within 90 days of enactment on military assistance provided by the Russian Federation to Syria.

Appendix C. Chronology of United Nations Action on Syria

Date	Action
August 3, 2011	The Security Council issued a presidential statement that expressed profound regret over hundreds of deaths in Syria, condemned widespread violations of human rights against civilians by Syrian authorities, and called for an immediate end to violence in Syria, urging all sides to act with utmost restraint. It also called for access for humanitarian workers for Syrian authorities to follow through on commitments they had made to reform. Lebanon disassociated itself from the statement after its release.
October 4, 2011	The Security Council failed to adopt a resolution that would have, among other things, voiced deep concern over violence in Syria and strongly condemned “the continued grave and systematic human rights violations and the use of force against civilians by the Syrian authorities.” It called for “an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of Syria’s population.” Russia and China voted against the resolution, and Brazil, India, Lebanon, and South Africa abstained.
February 4, 2012	The Security Council failed to adopt a resolution that would have, among other things, adopted an Arab League plan outlining a Syrian-led political transition to a democratic, plural political system. The resolution had called on the Syrian government to cease violence against civilians, withdraw its armed forces from cities and towns and return them to their barracks, guarantee the freedom of peaceful demonstrations, and allow unhindered access for all Arab League institutions to “determine the truth about the situation on the ground and monitor the incidents taking place.” Russia and China voted against the resolution.
February 23, 2012	United Nations Secretary-General Ban Ki-moon and Secretary-General of the League of Arab States Nabil Elaraby appointed Kofi Annan as United Nations-League of Arab States Joint Special Envoy for Syria.
April 5, 2012	The Security Council issued another presidential statement that, among other things, noted the Syrian government commitment on March 25, 2012, to implement Kofi Annan’s six-point peace proposal. The statement also called upon the Syrian government to implement an U.N.-brokered cease-fire by withdrawing troops from population centers by April 10, 2012. It also called upon all parties, including the Syrian opposition, to cease all armed violence no later than April 12, 2012.
April 14, 2012	The Security Council passed Resolution 2042, which approved the deployment of a U.N. advance team of 30 military observers to Syria. It also demanded that the Syrian authorities withdraw security forces from population centers and begin a dialogue with the opposition. The vote marked the first time since protests began that the Security Council was united in demanding a halt to the violence.
April 21, 2012	The Security Council passed Resolution 2043, which established—for a 90-day period—a United Nations Supervision Mission in Syria (UNSMIS) with an initial deployment of up to 300 unarmed military observers under the command of a Chief Military Observer. The resolution also created a civilian team to help implement elements of the full peace plan, such as the start of a national political dialogue and the government’s granting of the right to demonstrate.
June 16, 2012	UNSMIS Commander Norwegian Major General Robert Mood suspended observation patrols due to increased violence.
July 19, 2012	The Security Council failed to adopt a proposed resolution that would have, among other things, threatened sanctions on Syria if demands to end the violence were not met. Permanent members China and Russia voted against the resolution and Pakistan and South Africa abstained. The resolution would have had the Security

	<p>Council act under Chapter VII of the United Nations Charter to demand verifiable compliance—within 10 days of the adoption—with its demands in previous resolutions that Syrian authorities pull back military concentrations from population centers and cease the use of heavy weaponry against them.</p>
July 20, 2012	<p>The Security Council passed UNSCR 2059 which extended the UNSMIS mission for an additional 30 days. It also conditioned any further renewal of UNSMIS on the cessation of the use of heavy weapons by the government and a reduction in violence by all sides.</p>
August-September 2012	<p>United Nations-League of Arab States Joint Special Envoy for Syria, Kofi Annan announced his intention to resign upon the expiration of his mandate on August 31, 2012. Algerian diplomat Lakhdar Brahimi replaces Annan as Joint Special Envoy and begins diplomatic engagement with international parties and the Assad government.</p>
October 2012	<p>Brahimi proposes a ceasefire linked to the Islamic holiday of Eid al Adha that is considered and adopted by the government and some opposition groups, but quickly breaks down.</p>
November-December 2012	<p>Brahimi warns that state failure may result from continued fighting in Syria and renews calls for a negotiated political solution based on the July 2012 communique of the Action Group on Syria.⁵¹ U.N. Secretary General Ban Ki-moon reports his concern “that the presence of armed members of the opposition and the ongoing military activities of the Syrian security forces [in the Golan Heights area] have the potential to ignite a larger conflict between Israel and the Syrian Arab Republic with grave consequences.” The United Nations suspends operations in Syria on December 3, citing deteriorating security conditions.</p> <p>On December 19, the United Nations, humanitarian organizations, and the government of Syria released estimates and appeals for assistance for Syrian refugees as well as those displaced or otherwise in need in Syria. A U.N. <i>Syria Regional Response Plan</i> seeks \$1 billion for Syrian refugees through the first half of 2013. A U.N. <i>Humanitarian Assistance Response Plan for Syria</i>, prepared in part by the government of Syria, seeks \$519 million to support Syrians affected by the conflict through the first half of 2013.</p>
January-April 2013	<p>On January 30, U.N. member states, agencies, and non-governmental organizations convened an International Humanitarian Pledging Conference for Syria held in Kuwait. At the conference, several countries made new pledges of funding to support humanitarian assistance for Syrians. Several of the largest donors included Kuwait, the UAE, United States, and European Commission.</p> <p>In February 2013, the U.N. Commission of Inquiry on Syria released a report noting that large parts of the country are scenes of “continuous combat, involving more brutal tactics and new military capabilities on all sides.”</p> <p>In March 2013, U.N. High Commissioner for Refugees Antonio Guterres testified before the Senate Foreign Relations Committee and described the Syrian humanitarian crisis “dramatic beyond description.” He also warned that the refugee flows into neighboring countries will have an “unimaginable impact on the economy, the society and the security of these countries.”</p> <p>In April 2013, various U.N. officials published an OpEd in the <i>New York Times</i> in which they called on “political leaders involved” to reach a political solution to the Syrian civil war, writing that “We ask that they use their collective influence to insist on a political solution to this horrendous crisis before hundreds of thousands more people lose their homes and lives and futures—in a region already at the tipping point.”</p>

⁵¹ Available at <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf>.

June 2013 (Limited Sanctions Relief)

On June 12, Secretary Kerry announced a partial waiver of preexisting Syrian Accountability Act sanctions restricting exports to Syria to allow, subject to case-by-case review, the export and reexport of certain items to rebel controlled areas. The items available to be licensed under the sanctions change are commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure.

August 2013

A team of United Nations (UN) chemical weapons inspectors went to Syria to examine several sites where attacks were alleged to occur. The inspectors collected samples from the sites, including the site of the August 21 attack, and those samples are being studied. The team's mandate is not to assess who used the weapons, but rather to determine to the extent possible whether or not chemical weapons were used and what type. The inspectors were invited to Syria by the Syrian government, but they only arrived in the country on August 18—just before the apparent August 21 attack—after months of negotiating terms of access for the inspections.

In late August, the Security Council met to discuss a draft resolution proposed by the United Kingdom regarding the use of chemical weapons in Syria. Russia opposed the draft asserting that UN investigators must finish their investigation into claims of chemical weapons use before discussing any resolution.

Appendix D. U.S. Sanctions on Syria

Overview

At present, a variety of legislative provisions and executive directives prohibit U.S. aid to Syria and restrict bilateral trade. Syria remains a U.S.-designated State Sponsor of Terrorism and is therefore subject to a number of general U.S. sanctions. Syria was placed on the State Department's State Sponsors of Terrorism List in 1979. Moreover, between 2003 and 2006 Congress passed legislation and President Bush issued new executive orders that expanded U.S. sanctions specifically on Syria.

- The table below reviews sanctions introduced since early 2011 in response to Syria's uprising.
- Syria-specific sanctions and general sanctions applicable to Syria are also summarized below.

Background on U.S. Assistance to Syria and Restrictions

Because of a number of legal restrictions and U.S. sanctions, many resulting from Syria's designation as a country supportive of international terrorism, Syria is no longer eligible to receive U.S. foreign assistance. Between 1950 and 1981, the United States provided a total of \$627.4 million in aid to Syria: \$34.0 million in development assistance, \$438.0 million in economic support, and \$155.4 million in food assistance. Most of this aid was provided during a brief warming trend in bilateral relations between 1974 and 1979. Significant projects funded with U.S. assistance included water supply, irrigation, rural roads and electrification, and health and agricultural research. No aid has been provided to Syria since 1981, when the last aid programs were closed out. In the event of regime change, the Obama Administration and Congress would need to reevaluate any successor government's policies with regard to support for international terrorism in order to determine Syria's potential eligibility for U.S. assistance.

Syria's Economy and Sanctions

Reports indicate that the Syrian economy and national budget are suffering due to a steep drop in oil exports resulting from sanctions; over a year of domestic unrest and the loss of tourism revenues; and new social and military spending aimed at quelling public anger. Estimates vary on the degree of contraction in 2011, ranging between 5% and 15%.⁵² The Economist Intelligence Unit predicted that the Syrian economy would contract by 8.1% in 2012.

Urban areas are now experiencing daily power outages and fuel shortages; inflation is rising; and the value of the Syrian pound has plummeted, forcing the government to spend resources propping it up. Foreign exchange reserves held by the Syrian Central Bank have reportedly fallen considerably. With the loss of European export markets due to a European Union oil import ban, Syria has been denied a major source of revenue and hard currency (25%-30% of total government revenue or \$4 billion a year).

⁵² "Cracks Widen in Syrian Economy," *IPS*, January 24, 2012.

Before sanctions, the main buyers of approximately 150,000 barrels per day (bpd) of exported Syrian oil were Italy, Germany, France, the Netherlands, Austria, Spain, and Turkey. Prior to the conflict, Syria produced about 380,000 bpd total.⁵³ Foreign oil companies that have suspended operations in Syria include Tatneft (Russia), Royal Dutch/Shell Group, Total (France), Gulfsands (UK), Suncor (Canada), and INA (Croatia). In March 2012, Syrian officials announced that the Russian energy company Gazprom would take over INA's oil and gas operations in Syria. The operating status of two Chinese companies with investments in Syria, CNPC and Sinopec, is unknown.⁵⁴ Western countries also have banned non-licensed investment in Syria's oil and gas sector, and energy traders and shipping firms also report changes to their engagement with Syria. European sanctions do not ban the export of liquid petroleum gas (LPG) to Syria, since it is widely used by ordinary households for heating and cooking.

Since new sanctions were enacted, many analysts have speculated about whether new investors and new foreign markets would arise for Syrian oil exports, albeit at lower prices due to sanctions and increased shipping, insurance, and financing costs. Some experts believe that both India and China are in a position to refine the heavy crude that Syria exports. However, others assert that some Asian buyers would find the prospect of purchasing Syrian oil too risky or politically problematic. Venezuela has supplied Syria with shipments of diesel fuel in exchange for Syrian naphtha, a refined petroleum product. In 2012, Venezuelan Energy Minister Rafael Ramirez referred to "a high level of cooperation with Syria, a besieged nation, whom the transnational interests want to bring down." Other reports have suggested that Russia and Iran export gasoil and diesel to Syria.⁵⁵ Syrian officials have referenced negotiations for fuel import deals with Russia, Iran, and Algeria.⁵⁶

⁵³ Though oil production declined in 2011, natural gas production increased by 8% due to investment in gas infrastructure made before unrest began.

⁵⁴ "Syria: Voting with their feet," *Economist Intelligence Unit*—Business Middle East, January 16, 2012.

⁵⁵ "How Russia, Iran keep fuel flowing to Syria," *Reuters*, April 26, 2012.

⁵⁶ "Syria, Russia Negotiating Long-Term Gas, Diesel Fuel Contracts," *ITAR-TASS World Service*, May 25, 2012.

Table D-I. U.S. Sanctions Against Syria in 2011-2013
(Implemented by Treasury Department's Office of Foreign Assets Control [OFAC])

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
July 11, 2013	Jaysh al Sha'bi (Army of the People), Adib Mayaleh (Governor of Central Bank of Syria).	Added to OFAC's Specially Designated Nationals (SDN) List
June 12, 2013	OFAC issued regulatory guidance on a favorable licensing policy regime through which U.S. persons can request from OFAC specific authorization to engage in transactions involving the telecommunications and agricultural sectors of Syria, as well as transactions related to petroleum or petroleum products of Syrian origin for the benefit of the National Coalition of Syrian Revolutionary and Opposition Forces or its supporters. OFAC also issued Syria General License IIA authorizing additional services in support of nongovernmental organizations' activities to support the preservation and protection of cultural heritage sites in Syria. Syria General License IIA replaces and supersedes Syria General License II, dated September 26, 2011.	Syria General License IIA Issued
May 16, 2013	Najm Hamad al Ahmad, Minister of Justice, Fahd Jassem al Freij, Deputy Commander-in-Chief of the Army and the Armed Forces and Minister of Defense, Abu Muhammad al-Jawlani, Sa'ad Abdel-Salam al Nayef, Minister of Health, and Adnan Abdo al Sukhni, Minister of Industry. OFAC also added dozens of Syrian aircraft to its SDN list.	Added to OFAC's Specially Designated Nationals (SDN) List
April 18, 2013	Removed Nabil Rafik Al Kuzbari from the SDN list.	Syria Designation Removal
March 15, 2013	Authorizes U.S. persons to provide to the National Coalition of Syrian Revolutionary and Opposition Forces certain services, including transfers of funds, otherwise prohibited by Executive Order 13582	Syria General License No. 16 Issued
December 11, 2012	Two senior leaders of the Syria-based Al Nusra Front, Maysar Ali Musa Abdallah al-Juburi and Anas Hasan Khattab, for acting on behalf of al-Qa'ida in Iraq (AQI).	Added to OFAC's Specially Designated Nationals (SDN) List pursuant to Executive Order 13224
December 11, 2012	Jaysh al-Sha'bi and Shabiha (two armed militia groups that operate under the control of the Syrian government) and two Shabiha commanders Ayman Jaber and Mohammed Jaber	Added to OFAC's Specially Designated Nationals (SDN) List pursuant to Executive Orders 13572 and 13582 variously
September 19, 2012	Amr Armanazi, director of Syria's Scientific Studies Research Center, Army Supply Bureau, involved in missile procurement, and Belarus-based Belvneshpromservice	Added to OFAC's Specially Designated Nationals (SDN) List

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
September 14, 2012	Hasan Nasrallah, Hezbollah's Secretary General, is being designated pursuant to Executive Order (E.O.) 13582, for providing support to the Syrian government.	Added to OFAC's Specially Designated Nationals (SDN) List, pursuant to E.O. 13582
August 14, 2012	Riyad Hijab, former Prime Minister	Post-defection removal from OFAC's Specially Designated Nationals (SDN) List
August 10, 2012	Hezbollah, SYTROL	Added to OFAC's Specially Designated Nationals (SDN) List, pursuant to E.O. 13582
July 18, 2012	Omran Ahed Al-Zoubi, Minister of Information; Subhi Ahmad Al-Abdullah, Minister of Agriculture and Agrarian Reform; Safwan Al-Assaf, Minister of Housing and Urban Development; Wael Nader Al-Halqi, Minister of Health; Mohammad Al-Jleilati, Minister of Finance; Hala Al Nasser, Minister of Tourism; Mohammad Abdul-Sattar Al-Sayyed, Minister of Religious Endowments; Yasser Al-Sibaei, Minister of Public Works; Hazwan Al Wazz, Minister of Education; Mansour Fadlallah Azzam, Minister of Presidential Affairs; Nazira Farah Sarkis, Minister of State for Environmental Affairs; Hussein Mahmoud Farzat, Minister of State; Omar Ibrahim Ghalawanji, Deputy Prime Minister for Services Affairs; Radwan Habib, Minister of Justice; Ali Haidar, Minister of State for National Reconciliation Affairs; Bassam Hanna, Minister of Water Resources; Riyad Hijab, Prime Minister; Mahmoud Ibrahim Said, Minister of Transport; Qadri Jamil, Deputy Prime Minister for Economic Affairs; Imad Mohammad Deeb Khamis, Minister of Electricity; Adib Mayaleh, Governor of Central Bank of Syria; Jassim Mohammad Zakarya, Minister of Social Affairs and Labor; Lubanah Mshaweh, Minister of Culture; Said Mu'zi Hneidi, Minister of Oil and Mineral Resources; Imad Abdul-Ghani Sabouni, Minister of Communications and Technology; Fuad Shukri Kurdi, Minister of Industry; Joseph Jurji Sweid, Minister of State; Mohammad Yehya Moalla, Minister of Higher Education; Mohammad Zafer Mihbek, Minister of Economy and Foreign Trade Business Lab, Drex Technologies(Virgin Islands) ^a , Handasieh, Industrial Solutions, Mechanical Construction Factory, Syronics	Added to OFAC's Specially Designated Nationals (SDN) List
May 30, 2012	Syria International Islamic Bank	Added to OFAC's Specially Designated Nationals (SDN) List
May 1, 2012	Foreign Persons/Foreign Entities that have violated, attempted to violate, conspired to violate, or caused a violation of U.S. sanctions against Iran or Syria, or that have facilitated deceptive transactions for persons subject to U.S. sanctions concerning Syria or Iran.	Executive Order 13608—Authorizes the Department of the Treasury to publicly identify foreign individuals and entities that have violated U.S. sanctions against Iran and Syria and generally bars their access to U.S. financial and commercial systems.

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
April 27, 2012		OFAC issued General License 4A, which authorizes the exports or re-exports to Syria of items licensed or otherwise authorized by the Department of Commerce and of exports and reexports of certain services. General License 4A replaces and supersedes General License 4, dated August 18, 2011.
April 23, 2012	Governments of Syria and Iran, Ali Mamluk (Director of the Syrian General Intelligence Directorate), Syrian General Intelligence Directorate, Syriatel, Islamic Revolutionary Guard Corps, Iranian Ministry of Intelligence and Security, Law Enforcement Forces of the Islamic Republic of Iran, Datak Telecom	Executive Order 13606—Blocks the property and suspends entry into the United States of certain persons with respect to grave human rights abuses by the governments of Iran and Syria via information technology.
March 30, 2012	General Munir Adanov (Deputy Chief of General Staff of the Syrian Army), General Dawood Rajiha (Minister of Defense)	Added to OFAC's Specially Designated Nationals (SDN) List
March 5, 2012	General Organization of Radio and TV	Added to OFAC's Specially Designated Nationals (SDN) List
February 23, 2012		OFAC issued General License 15 related to Syria to authorize transactions in connection with patent, trademark, copyright, or other intellectual property protection that would otherwise be prohibited by Executive Order 13582.
February 16, 2012	Iranian Ministry of Intelligence and Security	Added to OFAC's Specially Designated Nationals (SDN) List
December 1, 2011	Muhammad Makhluf, Military Housing Establishment, Real Estate Bank	Added to OFAC's Specially Designated Nationals (SDN) List
October 3, 2011		OFAC issued two general licenses related to Syria to authorize payments in connection with overflight or emergency landing and transactions with respect to telecommunications
September 27, 2011		OFAC issued a general license related to Syria to authorize third-country diplomatic and consular funds transfers and to authorize certain services in support of nongovernmental organizations' activities.
September 9, 2011		OFAC issued four general licenses related to Syria to authorize wind down transactions, certain official activities of international organizations, incidental transactions related to U.S. persons residing in Syria and operation of accounts.
August 30, 2011	Walid Mouallem (Foreign Minister), Ali Abdul Karim Ali (Syrian Ambassador to Lebanon), Bouthaina Shaaban (Advisor to the President)	Added to OFAC's Specially Designated Nationals (SDN) List

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
August 18, 2011	Government of Syria	Executive Order 13582—Freezes all assets of the Government of Syria, prohibits U.S. persons from engaging in any transaction involving the Government of Syria, bans U.S. imports of Syrian-origin petroleum or petroleum products, prohibits U.S. persons from having any dealings in or related to Syria’s petroleum or petroleum products, and prohibits U.S. persons from operating or investing in Syria.
August 18, 2011	General Petroleum Corporation, Syrian Company For Oil Transport, Syrian Gas Company, Syrian Petroleum Company, Sytrol	Added to OFAC’s SDN List
August 10, 2011	Commercial Bank of Syria and its Lebanon-based subsidiary, Syrian Lebanese Commercial Bank, Syriatel, the country’s main mobile phone operator	Added to OFAC’s SDN List
August 4, 2011	Muhammad Hamsho (businessman with ties to Asad family), Hamsho International Group	Added to OFAC’s SDN List
June 29, 2011	Jamil Hassan (Head of Air Force Intelligence), Political Security Directorate (PSD, domestic intelligence)	Added to OFAC’s SDN List
May 18, 2011	President Bashar al Asad, Farouk al Shara (vice president), Adel Safar (prime minister), Mohammad Ibrahim al Shaar (minister of the interior), Ali Habib Mahmoud (minister of defense), Abdul Fatah Qudsiya (head of Syrian military intelligence), Mohammed Dib Zaitoun (director of political security directorate), Nabil Rafik al Kuzbari, General Mohsen Chizari (Commander of Iran Revolutionary Guard Corp Qods Force suspected of human rights abuses in Syria), Al Mashreq Investment Fund, Bena Properties, Cham Holding, Syrian Air Force Intelligence, Syrian Military Intelligence, Syrian National Security Bureau	Executive Order 13573 adds listed individuals and entities to OFAC’s SDN List
April 29, 2011	Maher al Asad, Ali Mamluk (director of the Syrian General Intelligence Directorate GID), Atif Najib (former head of the Syrian Political Security Directorate for Dara’a province and the president’s cousin), the General Intelligence Directorate, and Iran’s Islamic Revolutionary Guard Corps-Quds Force (for allegedly assisting Syria in its crackdown)	Executive Order 13572 adds listed individuals and entities to OFAC’s SDN List

Source: U.S. Treasury Department.

Notes: As part of its enforcement efforts, OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called Specially Designated Nationals or SDNs. Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

- a. According to the Treasury Department, Drex Technologies, “belongs to Assad’s billionaire cousin and government insider, Rami Makhluh, who was designated by the Treasury Department in February 2008 under E.O. 13460 for improperly benefiting from and aiding the public corruption of Syrian regime officials. Drex Technologies was designated pursuant to E.O. 13572, which authorizes the United States to sanction any entities owned or controlled by persons designated under E.O. 13460.”

Specific Sanctions Against Syria

Specific U.S. sanctions levied against Syria fall into three main categories: (1) sanctions resulting from the passage of the 2003 Syria Accountability and Lebanese Sovereignty Act (SALSA) that, among other things, prohibit most U.S. exports to Syria; (2) sanctions imposed by executive order from the President that specifically deny certain Syrian citizens and entities access to the U.S. financial system due to their participation in proliferation of weapons of mass destruction; association with Al Qaeda, the Taliban, or Osama bin Laden; or destabilizing activities in Iraq and Lebanon; and (3) sanctions resulting from the USA PATRIOT Act levied specifically against the Commercial Bank of Syria in 2006.

The 2003 Syria Accountability Act

On December 12, 2003, President Bush signed H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act into law, as P.L. 108-175. This law requires the President to impose penalties on Syria unless it ceases support for international terrorist groups, ends its occupation of Lebanon, ceases the development of weapons of mass destruction (WMD), and has ceased supporting or facilitating terrorist activity in Iraq (§§5(a) and 5(d)). Sanctions include bans on the export of military items (already banned under other legislation, see above)⁵⁷ and of dual use items (items with both civil and military applications) to Syria (§5(a)(1)). In addition, the President is required to impose two or more sanctions from a menu of six:

- a ban on all exports to Syria except food and medicine;
- a ban on U.S. businesses operating or investing in Syria;
- a ban on landing in or overflight of the United States by Syrian aircraft;
- reduction of diplomatic contacts with Syria;
- restrictions on travel by Syrian diplomats in the United States; and
- blocking of transactions in Syrian property (§5(a)(2)).

Implementation

On May 11, 2004, President Bush issued Executive Order 13338, implementing the provisions of P.L. 108-175, including the bans on munitions and dual use items (§5(a)(1)) and two sanctions from the menu of six listed in Section 5(a)(2). The two sanctions he chose were the ban on exports to Syria other than food and medicine (§5(a)(2)(A)) and the ban on Syrian aircraft landing in or overflying the United States (§5(a)(2)(D)). In issuing his executive order, the President stated that Syria has failed to take significant, concrete steps to address the concerns that led to the enactment of the Syria Accountability Act. The President also imposed two additional sanctions based on other legislation.

- Under Section 311 of the USA PATRIOT Act, he instructed the Treasury Department to prepare a rule requiring U.S. financial institutions to sever

⁵⁷ Syria's inclusion on the State Sponsors of Terrorism List as well as SALSA requires the President to restrict the export of any items to Syria that appear on the U.S. Munitions List (weapons, ammunition) or Commerce Control List (dual-use items).

- correspondent accounts with the Commercial Bank of Syria because of money laundering concerns.
- Under the International Emergency Economic Powers Act (IEEPA), he issued instructions to freeze assets of certain Syrian individuals and government entities involved in supporting policies inimical to the United States.

Waivers

In the executive order and in an accompanying letter to Congress, President Bush cited the waiver authority contained in Section 5(b) of the Syria Accountability Act and stated that he wished to issue the following waivers on grounds of national security.

Regarding Section 5(a)(1) and 5(a)(2)(A): The following exports are permitted: products in support of activities of the U.S. government; medicines otherwise banned because of potential dual use; aircraft parts necessary for flight safety; informational materials; telecommunications equipment to promote free flow of information; certain software and technology; products in support of U.N. operations; and certain exports of a temporary nature.⁵⁸

Regarding Section 5(a)(2)(D): The following operations are permitted: takeoff/landing of Syrian aircraft chartered to transport Syrian officials on official business to the United States; takeoff/landing for non-traffic and non-scheduled stops; takeoff/landing associated with an emergency; and overflights of U.S. territory.

On June 12, 2013, Secretary of State John Kerry cited Section 5(b) in order to authorize:

the export and re-export, subject to case-by-case review, of certain U.S.-origin items to liberated areas of Syria for the benefit of the Syrian people. The waiver will authorize the Department of Commerce to process license applications for export and re-exports of commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure. These items are intended to help address the critical needs of the Syrian people and facilitate reconstruction in liberated areas.

Targeted Financial Sanctions

Since the initial implementation of the Syria Accountability Act (in Executive Order 13338 dated May 2004), the President has repeatedly taken action to sanction individual members of the Asad regime's inner circle.⁵⁹ E.O. 13338 declared a national emergency with respect to Syria and

⁵⁸ According to U.S. regulations, any product that contains more than 10% *de minimis* U.S.-origin content, regardless of where it is made, is not allowed to be exported to Syria. For U.S. commercial licensing prohibitions on exports and re-exports to Syria, see 15 C.F.R. pt. 736 Supp No. 1. The Department of Commerce reviews license applications on a case-by-case basis for exports or re-exports to Syria under a general policy of denial. For a description of items that do not require export licenses, see Bureau of Industry and Security (BIS), U.S. Department of Commerce, Implementation of the Syria Accountability Act, available at http://www.bis.doc.gov/licensing/syriaimplementationmay14_04.htm.

⁵⁹ According to the original text of E.O. 13338, the President's authority to declare a national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or re-exportation of certain goods to Syria is based on "The Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (continued...)"

authorized the Secretary of the Treasury to block the property of individual Syrians. Based on Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the President has annually extended his authority to block the property of individual Syrians (latest on April 29, 2011). When issuing each extension, the President has noted that the actions and policies of the government of Syria continued to pose an unusual and extraordinary threat.⁶⁰

The following individuals and entities have been targeted by the U.S. Treasury Department (Office of Foreign Assets Control or OFAC):

- On June 30, 2005, the U.S. Treasury Department designated two senior Syrian officials involved in Lebanon affairs, Syria's then-interior minister and its head of military intelligence in Lebanon (respectively, the late General Kanaan and General Ghazali), as Specially Designated Nationals, thereby freezing any assets they may have in the United States and banning any U.S. persons, including U.S. financial institutions outside of the United States, from conducting transactions with them.⁶¹ Kanaan allegedly committed suicide in October 2005, though some have speculated that he may have been murdered.
- On January 18, 2006, the U.S. Treasury Department took the same actions against the President's brother-in-law, Assef Shawkat, chief of military intelligence.
- On April 26, 2006, President Bush issued Executive Order 13399 that authorized the Secretary of the Treasury to freeze the U.S.-based assets of anyone found to be involved in the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri. It also affects anyone involved in bombings or assassinations in Lebanon since October 2004, or anyone hindering the international investigation into the Hariri assassination. The order allows the United States to comply with UNSCR 1636, which calls on all states to freeze the assets of those persons designated by the investigating commission or the government of Lebanon to be involved in the Hariri assassination.
- On August 15, 2006, the U.S. Treasury Department froze assets of two other senior Syrian officers: Major General Hisham Ikhtiyar, for allegedly contributing to Syria's support of foreign terrorist organizations including Hezbollah; and Brigadier General Jama'a Jama'a, for allegedly playing a central part in Syria's intelligence operations in Lebanon during the Syrian occupation.⁶²
- On January 4, 2007, the U.S. Treasury Department designated three Syrian entities, the Syrian Higher Institute of Applied Science and Technology, the Electronics Institute, and the National Standards and Calibration Laboratory, as weapons proliferators under an executive order (E.O. 13382) based on the authority vested to the President under IEEPA. The three state-sponsored

(...continued)

(NEA), the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, P.L. 108-175 (SAA), and Section 301 of Title 3, United States Code." available at <http://www.treasury.gov/resource-center/sanctions/Documents/13338.pdf>.

⁶⁰ The President last extended the State of Emergency on April 29, 2011.

⁶¹ See <http://www.treasury.gov/press-center/press-releases/Pages/js2617.aspx>.

⁶² See <http://www.treasury.gov/press-center/press-releases/Pages/hp60.aspx>.

institutions are divisions of Syria's Scientific Studies and Research Center, which was designated by President Bush as a weapons proliferator in June 2005 for research on the development of biological and chemical weapons.⁶³

- On August 1, 2007, the President issued E.O. 13441⁶⁴ blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions. On November 5, 2007, the U.S. Treasury Department designated four individuals reportedly affiliated with the Syrian regime's efforts to reassert Syrian control over the Lebanese political system, including Assaad Halim Hardan, Wi'am Wahhab, and Hafiz Makhluף (under the authority of E.O. 13441) and Muhammad Nasif Khayrbik (under the authority of E.O. 13338).⁶⁵
- On February 13, 2008, President Bush issued another order (E.O. 13460) blocking the property of senior Syrian officials. According to the U.S. Treasury Department, the order "targets individuals and entities determined to be responsible for or who have benefitted from the public corruption of senior officials of the Syrian regime." The order also revises a provision in Executive Order 13338 to block the property of Syrian officials who have undermined U.S. and international efforts to stabilize Iraq.⁶⁶ One week later, under the authority of E.O. 13460, the U.S. Treasury Department froze the U.S. assets and restricted the financial transactions of Rami Makhluף, a powerful cousin of President Bashar al Asad.

Sanctions Against the Commercial Bank of Syria

As previously mentioned, under Section 311 of the USA PATRIOT Act, President Bush instructed the Treasury Department in 2004 to prepare a rule requiring U.S. financial institutions to sever correspondent accounts with the Commercial Bank of Syria because of money laundering concerns. In 2006, the Treasury Department issued a final ruling that imposes a special measure against the Commercial Bank of Syria as a financial institution of primary money laundering concern. It bars U.S. banks and their overseas subsidiaries from maintaining a correspondent account with the Commercial Bank of Syria, and it also requires banks to conduct due diligence that ensures the Commercial Bank of Syria is not circumventing sanctions through its business dealings with them.⁶⁷

⁶³ See <http://www.treasury.gov/press-center/press-releases/Pages/hp216.aspx>.

⁶⁴ On July 29, 2010, President Obama extended that National Emergency with respect to Lebanon for another year, stating that "While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in Lebanon, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States." See Notice of July 29, 2010—Continuation of the National Emergency With Respect to the Actions of Certain Persons to Undermine the Sovereignty of Lebanon or Its Democratic Processes and Institutions, Federal Register, Title 3—The President, p. 45045.

⁶⁵ See <http://www.treasury.gov/press-center/press-releases/Pages/hp666.aspx>.

⁶⁶ A previous executive order, E.O. 13315, blocks property of former Iraqi President Saddam Hussein and members of his former regime. On June 9, 2005, the Treasury Department blocked property and interests of a Syrian company, SES International Corp., and two of its officials under the authority of E.O. 13315.

⁶⁷ See "U.S. Trade and Financial Sanctions Against Syria." Available at <http://damascus.usembassy.gov/sanctions-syr.html>.

General Sanctions Applicable to Syria

The International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329). Section 303 of this act (90 Stat. 753-754) required termination of foreign assistance to countries that aid or abet international terrorism. This provision was incorporated into the Foreign Assistance Act of 1961 as Section 620A (22 USC 2371). (Syria was not affected by this ban until 1979, as explained below.)

The International Emergency Economic Powers Act of 1977 (Title II of P.L. 95-223, codified at 50 U.S.C. §1701 et seq.) Under the International Emergency Economic Powers Act (IEEPA), the President has broad powers pursuant to a declaration of a national emergency with respect to a threat “which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.” These powers include the ability to seize foreign assets under U.S. jurisdiction, to prohibit any transactions in foreign exchange, to prohibit payments between financial institutions involving foreign currency, and to prohibit the import or export of foreign currency.

The Export Administration Act of 1979 (P.L. 96-72). Section 6(i) of this act (93 Stat. 515) required the Secretary of Commerce and the Secretary of State to notify Congress before licensing export of goods or technology valued at more than \$7 million to countries determined to have supported acts of international terrorism. (Amendments adopted in 1985 and 1986 relettered Section 6(i) as 6(j) and lowered the threshold for notification from \$7 million to \$1 million.)

A by-product of these two laws was the so-called state sponsors of terrorism list. This list is prepared annually by the State Department in accordance with Section 6(j) of the Export Administration Act. The list identifies those countries that repeatedly have provided support for acts of international terrorism. Syria has appeared on this list ever since it was first prepared in 1979; it appears most recently in the State Department’s annual publication *Country Reports on Terrorism, 2009*, issued on August 5, 2010. Syria’s inclusion on this list in 1979 triggered the above-mentioned aid sanctions under P.L. 94-329 and trade restrictions under P.L. 96-72.

Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399). Section 509(a) of this act (100 Stat. 853) amended Section 40 of the Arms Export Control Act to prohibit export of items on the munitions list to countries determined to be supportive of international terrorism, thus banning any U.S. military equipment sales to Syria. (This ban was reaffirmed by the Anti-Terrorism and Arms Export Amendments Act of 1989—see below.) Also, 10 U.S.C. 2249a bans obligation of U.S. Defense Department funds for assistance to countries on the terrorism list.

Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). Section 8041(a) of this act (100 Stat. 1962) amended the Internal Revenue Code of 1954 to deny foreign tax credits on income or war profits from countries identified by the Secretary of State as supporting international terrorism. (26 USC 901(j)). The President was given authority to waive this provision under Section 601 of the Trade and Development Act of 2000 (P.L. 106-200, May 18, 2000).

The Anti-Terrorism and Arms Export Control Amendments Act of 1989 (P.L. 101-222). Section 4 amended Section 6(j) of the Export Administration Act to impose a congressional notification and licensing requirement for export of goods or technology, irrespective of dollar value, to countries on the terrorism list, if such exports could contribute to their military capability or enhance their ability to support terrorism.

Section 4 also prescribes conditions for removing a country from the terrorism list: prior notification by the President to the Speaker of the House of Representatives and the chairmen of two specified committees of the Senate. In conjunction with the requisite notification, the President must certify that the country has met several conditions that clearly indicate it is no longer involved in supporting terrorist activity. (In some cases, certification must be provided 45 days in advance of removal of a country from the terrorist list).

The Anti-Economic Discrimination Act of 1994 (Part C, P.L. 103-236, the Foreign Relations Authorization Act, FY1994-1995). Section 564(a) bans the sale or lease of U.S. defense articles and services to any country that questions U.S. firms about their compliance with the Arab boycott of Israel. Section 564(b) contains provisions for a presidential waiver, but no such waiver has been exercised in Syria's case. Again, this provision is moot in Syria's case because of other prohibitions already in effect.

The Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132). This act requires the President to withhold aid to third countries that provide assistance (§325) or lethal military equipment (§326) to countries on the terrorism list, but allows the President to waive this provision on grounds of national interest. A similar provision banning aid to third countries that sell lethal equipment to countries on the terrorism list is contained in Section 549 of the Foreign Operations Appropriations Act for FY2001 (H.R. 5526, passed by reference in H.R. 4811, which was signed by President Clinton as P.L. 106-429 on November 6, 2000).

Also, Section 321 of P.L. 104-132 makes it a criminal offense for U.S. persons (citizens or resident aliens) to engage in financial transactions with governments of countries on the terrorism list, except as provided in regulations issued by the Department of the Treasury in consultation with the Secretary of State. In the case of Syria, the implementing regulation prohibits such transactions "with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States." (31 CFR 596, published in the *Federal Register* August 23, 1996, p. 43462.) In the fall of 1996, the then chairman of the House International Relations Committee reportedly protested to then President Clinton about the Treasury Department's implementing regulation, which he described as a "special loophole" for Syria.

In addition to the general sanctions listed above, specific provisions in foreign assistance appropriations legislation enacted since 1981 have barred Syria by name from receiving U.S. aid. The most recent ban appears in Section 7007 of P.L. 112-74, Consolidated Appropriations Act, 2012, which states that "None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents."

Section 307 of the Foreign Assistance Act of 1961, amended by Section 431 of the Foreign Relations Authorization Act for FY1994-1995 (P.L. 103-236, April 30, 1994), requires the United States to withhold a proportionate share of contributions to international organizations for programs that benefit eight specified countries or entities, including Syria.

The Iran Nonproliferation Act of 2000, P.L. 106-178, was amended by P.L. 109-112 to make its provisions applicable to Syria as well as Iran. The amended act, known as the Iran and Syria Nonproliferation Act, requires the President to submit semi-annual reports to designated

congressional committees, identifying any persons involved in arms transfers *to or from* Iran or Syria; also, the act authorizes the President to impose various sanctions against such individuals. On October 13, 2006, President Bush signed P.L. 109-353 which expanded the scope of the original law by adding North Korea to its provisions, thereby renaming the law the Iran, North Korea, and Syria Nonproliferation Act (or INKSNA for short). The list of Syrian entities designated under INKSNA includes Army Supply Bureau (2008), Syrian Navy (2009), Syrian Air Force (2009), and Ministry of Defense (2008).⁶⁸ On May 24, 2011, the State Department designated the Industrial Establishment of Defense and Scientific Studies and Research Center (SSRC) under INKSNA.

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⁶⁸ See State Department Press Releases and Documents, “Near East: Iran, North Korea, and Syria Nonproliferation Act: Imposed Sanctions,” July 20, 2010.