

115TH CONGRESS
1ST SESSION

H. R. 4681

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2017

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Assistance for
5 Assad Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Six years into the conflict in Syria, over 11
2 million Syrians have been displaced from their
3 homes and over 400,000 civilians have been killed.

4 (2) Since the conflict in Syria began, the
5 United States has provided more than \$7.4 billion to
6 meet humanitarian needs of the Syrian people, mak-
7 ing the United States the world's single largest
8 donor to the Syrian humanitarian response.

9 (3) As the Syrian regime continues the use
10 cluster munitions to carry out indiscriminate attacks
11 against civilians, the United States has played an es-
12 sential role in clearing unexploded ordnance in
13 Syria, as civilians seek to return home to areas liber-
14 ated from Islamic State of Iraq and Syria (ISIS).

15 (4) It is estimated that the reconstruction of
16 Syria could cost between \$200 and \$350 billion.

17 (5) According to the 2016 Transparency Inter-
18 national Corruption Index, Syria is among the most
19 corrupt countries in the world.

20 (6) Reconstruction funds can be expected to be
21 siphoned off to the regime of Syrian President
22 Bashar al-Assad, given the rampant corruption.

23 (7) In October 2015, a visiting Russian delega-
24 tion to Syria announced that Russian firms would
25 lead in the effort to rebuild Syria, and Syrian Presi-

1 dent Bashar al-Assad reportedly said, “Syria is
2 ready to provide Russian companies with all the con-
3 tracts worth hundreds of billions of dollars.”.

4 (8) In August 2017, the Government of the
5 People’s Republic of China hosted a trade fair in
6 Syria, and a Chinese-Arab business group an-
7 nounced a \$2,000,000,000 commitment from the
8 Chinese government to fund the construction of in-
9 dustrial parks in Syria.

10 **SEC. 3. STATEMENT OF POLICY.**

11 It shall be the policy of the United States that United
12 States assistance made available for early recovery, recon-
13 struction, or stabilization in Syria should be used in a
14 democratic Syria or in areas of Syria not controlled by
15 the Government of Syria led by Bashar al-Assad or associ-
16 ated forces.

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

18 **CONTROLLED BY THE GOVERNMENT OF**

19 **SYRIA OR ASSOCIATED FORCES.**

20 (a) LIMITATION.—

21 (1) IN GENERAL.—Except as provided in sub-
22 section (d), amounts authorized to be appropriated
23 for each of the fiscal years 2018 through 2022 for
24 assistance described in paragraph (2) may be pro-
25 vided under any other provision of law, directly or

1 indirectly, for any area of Syria controlled by the
2 Government of Syria or associated forces only dur-
3 ing a period for which a certification described in
4 subsection (b) is in effect.

5 (2) ASSISTANCE DESCRIBED.—Assistance re-
6 ferred to in paragraph (1) is the following:

7 (A) Assistance to enable disaster-affected
8 populations to transition from dependence upon
9 emergency assistance to early recovery and self-
10 reliance, including the restoration of basic serv-
11 ices, livelihoods, shelter, and security, and the
12 reintegration of displaced populations.

13 (B) Assistance to carry out stabilization
14 activities for the relevant area.

15 (C) Assistance to carry out reconstruction
16 activities for the relevant area.

17 (b) CERTIFICATION.—A certification described in this
18 subsection is a certification submitted by the President to
19 the appropriate congressional committees that contains a
20 determination of the President that the Government of
21 Syria—

22 (1) has ceased any attacks against civilians and
23 civilian infrastructure as such, including attacks
24 against medical facilities and personnel, and any in-
25 discriminate use of weapons, including through shell-

1 ing and aerial bombardment, as demanded in United
2 Nations Security Council Resolution 2254 (2015);

3 (2) is taking verifiable steps to release all polit-
4 ical prisoners and is providing full access to Syrian
5 prisons for investigations by appropriate inter-
6 national human rights organizations;

7 (3) is taking verifiable steps to remove senior
8 officials of the Government of Syria who are
9 complicit in the planning, implementation, or cover-
10 up of war crimes, crimes against humanity, or
11 human rights abuses and any person subject to
12 sanctions under any provision of law from govern-
13 ment positions;

14 (4) is in the process of organizing free and fair
15 elections for a new government to be held in a timely
16 manner and to be conducted under the supervision
17 of United Nations observers with all Syrians, includ-
18 ing members of the diaspora, eligible to participate,
19 as supported in United Nations Security Council
20 Resolution 2254 (2015);

21 (5) is making tangible progress toward estab-
22 lishing an independent judiciary;

23 (6) is demonstrating respect for and compliance
24 with internationally recognized human rights and

1 basic freedoms as specified in the Universal Declara-
2 tion of Human Rights;

3 (7) is taking steps to verifiably fulfill its com-
4 mitments under the Convention on the Prohibition
5 of the Development, Production, Stockpiling and
6 Use of Chemical Weapons and on their Destruction
7 and the Treaty on the Non-Proliferation of Nuclear
8 Weapons, is making tangible progress toward becom-
9 ing a signatory to the Convention on the Prohibition
10 of the Development, Production and Stockpiling of
11 Bacteriological (Biological) and Toxin Weapons and
12 on their Destruction, and adhering to the Missile
13 Technology Control Regime and other control lists,
14 as necessary;

15 (8) has halted the development and deployment
16 of ballistic and cruise missiles;

17 (9) is taking verifiable steps to remove from po-
18 sitions of authority within the intelligence and secu-
19 rity services as well as the military those individuals
20 who were in a position of authority or responsibility
21 during the conflict or who are in a position of au-
22 thority or responsibility during a transition and who
23 under the authority of their position are implicated
24 in or complicit in the torture, extrajudicial killing, or
25 execution of civilians, to include those who were in-

1 involved in decision making or execution of plans to
2 use chemical weapons;

3 (10) is making verifiable progress of reforming
4 the Syrian military and security services so as to
5 minimize the Government of Syria’s reliance on Iran
6 and Iranian proxy forces to act on behalf or in sup-
7 port of Syria; and

8 (11) is in the process of organizing the safe,
9 unfettered and voluntary return of Syrian refugees
10 and internally displaced persons to their homes so
11 that Syrians may return without fear of retribution
12 by the Government of Syria or associated forces.

13 (c) RECERTIFICATIONS.—Not later than 90 days
14 after the date on which the President submits to the ap-
15 propriate congressional committees an initial certification
16 under subsection (b), and every 90 days thereafter
17 through September 30, 2022—

18 (1) the President shall submit to the appro-
19 priate congressional committees a recertification that
20 the conditions described in subsection (b) are con-
21 tinuing to be met; or

22 (2) if the President is unable to make such a
23 recertification, the President shall submit to the ap-
24 propriate congressional committees a report that
25 contains—

1 (A) the reasons for which the President is
2 unable to make such a recertification; and

3 (B) a certification that no funds will be ob-
4 ligated or expended to provide assistance de-
5 scribed in subsection (a) in contravention of
6 subsection (a).

7 (d) EXCEPTION.—

8 (1) IN GENERAL.—The limitation on assistance
9 under subsection (a) shall not apply with respect
10 to—

11 (A) assistance for projects to be adminis-
12 tered by local organizations that reflect the
13 aims, needs, and priorities of local communities
14 in Syria; and

15 (B) assistance for projects to meet human-
16 itarian needs, including demining and needs for
17 food, medicine, medical supplies and equipment,
18 education, and clothing.

19 (2) REPORT.—The President shall submit to
20 the appropriate congressional committees an annual
21 report on each project with respect to which this
22 subsection applies during the preceding calendar
23 year, including—

24 (A) a description of the project;

1 (B) a description of how United States
2 funds with respect to the project were used;

3 (C) the geographic location or locations of
4 the project; and

5 (D) an identification of the implementing
6 partner and a list of senior officials of the im-
7 plementing partner.

8 (3) SENSE OF CONGRESS.—It is the sense of
9 Congress that, to the extent practicable, the United
10 States should only fund projects described in this
11 subsection with respect to which the Government of
12 Syria, any official of the Government of Syria, and
13 any immediate family member of an official of the
14 Government of Syria do not have a financial or ma-
15 terial interest and are not affiliated with the imple-
16 menting partner of the project.

17 (e) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

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

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

4 (2) ASSOCIATED FORCES.—The term “associ-
5 ated forces” includes forces of the Government of
6 the Russian Federation, the Government of the Is-
7 lamic Republic of Iran, Iranian-backed proxy mili-
8 tias, and Hezbollah.

9 (3) DIRECTLY OR INDIRECTLY.—The term “di-
10 rectly or indirectly” includes assistance to multilat-
11 eral institutions and international governmental or-
12 ganizations, such as the United Nations and related
13 agencies, the International Monetary Fund, and the
14 World Bank.

15 **SEC. 5. REPORT ON DELIVERY OF UNITED STATES HUMANI-**
16 **TARIAN ASSISTANCE TO SYRIA.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of State
19 and the Administrator of the United States Agency for
20 International Development shall submit to the appropriate
21 congressional committees a report on delivery of United
22 States humanitarian assistance to Syria.

23 (b) MATTERS TO BE INCLUDED.—The report re-
24 quired by subsection (a) shall include the following:

1 (1) A description of the challenges of access to
2 areas of Syria controlled by the Government of Syria
3 or associated forces for purposes of providing United
4 States humanitarian assistance, including assistance
5 funded through multilateral institutions and inter-
6 national governmental organizations.

7 (2) A description of where such United States
8 humanitarian assistance has been able to be deliv-
9 ered in such areas.

10 (3) A description of where such United States
11 humanitarian assistance has been denied access in
12 such areas.

13 (4) A description of how the United States Gov-
14 ernment is working to improve access to such areas.

15 (5) A description of the roles and responsibil-
16 ities of United States allies and partners and other
17 countries in the region in ensuring access to such
18 areas.

19 (6) A description of how such United States hu-
20 manitarian assistance and implementing partners of
21 such assistance are monitored and evaluated.

22 (7) A description of the major challenges that
23 the United States faces in monitoring such United
24 States humanitarian assistance and how the United
25 States is working to overcome such challenges.

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

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

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