

SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY
RESTORATION ACT OF 2003

OCTOBER 15, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HYDE, from the Committee on International Relations,
submitted the following

R E P O R T

[To accompany H.R. 1828]

The Committee on International Relations, to whom was referred the bill (H.R. 1828) to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Syria Accountability and Lebanese Sovereignty Restoration Act of 2003”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 20, 2001, President George Bush stated at a joint session of Congress that “[e]very nation, in every region, now has a decision to make . . . [e]ither you are with us, or you are with the terrorists . . . [f]rom this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime”.

(2) On June 24, 2002, President Bush stated “Syria must choose the right side in the war on terror by closing terrorist camps and expelling terrorist organizations”.

(3) United Nations Security Council Resolution 1373 (September 28, 2001) mandates that all states “refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts”, take “the necessary steps to prevent the commission of terrorist acts”, and “deny safe haven to those who finance, plan, support, or commit terrorist acts”.

(4) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it has repeatedly provided sup-

port for acts of international terrorism, as determined by the Secretary of State for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) and other relevant provisions of law.

(5) Although the Department of State lists Syria as a state sponsor of terrorism and reports that Syria provides “safe haven and support to several terrorist groups”, fewer United States sanctions apply with respect to Syria than with respect to any other country that is listed as a state sponsor of terrorism.

(6) Terrorist groups, including Hizballah, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine–General Command, maintain offices, training camps, and other facilities on Syrian territory, and operate in areas of Lebanon occupied by the Syrian armed forces and receive supplies from Iran through Syria.

(7) United Nations Security Council Resolution 520 (September 17, 1982) calls for “strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon”.

(8) Approximately 20,000 Syrian troops and security personnel occupy much of the sovereign territory of Lebanon exerting undue influence upon its government and undermining its political independence.

(9) Since 1990 the Senate and House of Representatives have passed seven bills and resolutions which call for the withdrawal of Syrian armed forces from Lebanon.

(10) On March 3, 2003, Secretary of State Colin Powell declared that it is the objective of the United States to “let Lebanon be ruled by the Lebanese people without the presence of [the Syrian] occupation army”.

(11) Large and increasing numbers of the Lebanese people from across the political spectrum in Lebanon have mounted peaceful and democratic calls for the withdrawal of the Syrian Army from Lebanese soil.

(12) Israel has withdrawn all of its armed forces from Lebanon in accordance with United Nations Security Council Resolution 425 (March 19, 1978), as certified by the United Nations Secretary General.

(13) Even in the face of this United Nations certification that acknowledged Israel’s full compliance with Security Council Resolution 425, Syrian- and Iranian-supported Hizballah continues to attack Israeli outposts at Shebaa Farms, under the false guise that it remains Lebanese land, and Syrian- and Iranian-supported Hizballah and other militant organizations continue to attack civilian targets in Israel.

(14) Syria will not allow Lebanon—a sovereign country—to fulfill its obligation in accordance with Security Council Resolution 425 to deploy its troops to southern Lebanon.

(15) As a result, the Israeli-Lebanese border and much of southern Lebanon is under the control of Hizballah, which continues to attack Israeli positions, allows Iranian Revolutionary Guards and other militant groups to operate freely in the area, and maintains thousands of rockets along Israel’s northern border, destabilizing the entire region.

(16) On February 12, 2003, Director of Central Intelligence George Tenet stated the following with respect to the Syrian- and Iranian-supported Hizballah: “[A]s an organization with capability and worldwide presence [it] is [al Qaeda’s] equal if not a far more capable organization . . . [T]hey’re a notch above in many respects, in terms of in their relationship with the Iranians and the training they receive, [which] puts them in a state-sponsored category with a potential for lethality that’s quite great.”

(17) In the State of the Union address on January 29, 2002, President Bush declared that the United States will “work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction”.

(18) The Government of Syria continues to develop and deploy short- and medium-range ballistic missiles.

(19) According to the December 2001 unclassified Central Intelligence Agency report entitled “Foreign Missile Developments and the Ballistic Missile Threat through 2015”, “Syria maintains a ballistic missile and rocket force of hundreds of FROG rockets, Scuds, and SS–21 SRBMs [and] Syria has developed [chemical weapons] warheads for its Scuds”.

(20) The Government of Syria is pursuing the development and production of biological and chemical weapons and has a nuclear research and development program that is cause for concern.

(21) According to the Central Intelligence Agency’s “Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions”, released January 7, 2003:

"[Syria] already holds a stockpile of the nerve agent sarin but apparently is trying to develop more toxic and persistent nerve agents. Syria remains dependent on foreign sources for key elements of its [chemical weapons] program, including precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive [biological weapons] capability."

(22) On May 6, 2002, the Under Secretary of State for Arms Control and International Security, John Bolton, stated: "The United States also knows that Syria has long had a chemical warfare program. It has a stockpile of the nerve agent sarin and is engaged in research and development of the more toxic and persistent nerve agent VX. Syria, which has signed but not ratified the [Biological Weapons Convention], is pursuing the development of biological weapons and is able to produce at least small amounts of biological warfare agents."

(23) According to the Central Intelligence Agency's "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions", released January 7, 2003: "Russia and Syria have approved a draft cooperative program on cooperation on civil nuclear power. In principal, broader access to Russian expertise provides opportunities for Syria to expand its indigenous capabilities, should it decide to pursue nuclear weapons."

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

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

(26) Syrian President Bashar Assad promised Secretary of State Powell in February 2001 to end violations of Security Council Resolution 661, which restricted the sale of oil and other commodities by Saddam Hussein's regime, except to the extent authorized by other relevant resolutions, but this pledge was never fulfilled.

(27) Syria's illegal imports and transshipments of Iraqi oil during Saddam Hussein's regime earned Syria \$50,000,000 or more per month as Syria continued to sell its own Syrian oil at market prices.

(28) Syria's illegal imports and transshipments of Iraqi oil earned Saddam Hussein's regime \$2,000,000 per day.

(29) The Government of Syria also utilized the railway network linking Mosul, Iraq, to Aleppo, Syria, to transfer a wide range of weaponry and weapon systems to Saddam Hussein's regime.

(30) On March 28, 2003, Secretary of Defense Donald Rumsfeld warned: "[W]e have information that shipments of military supplies have been crossing the border from Syria into Iraq, including night-vision goggles . . . These deliveries pose a direct threat to the lives of coalition forces. We consider such trafficking as hostile acts, and will hold the Syrian government accountable for such shipments."

(31) According to Article 23(1) of the United Nations Charter, members of the United Nations are elected as nonpermanent members of the United Nations Security Council with "due regard being specially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to other purposes of the Organization".

(32) Despite Article 23(1) of the United Nations Charter, Syria was elected on October 8, 2001, to a 2-year term as a nonpermanent member of the United Nations Security Council beginning January 1, 2002, and served as President of the Security Council during June 2002 and August 2003.

(33) On March 31, 2003, the Syrian Foreign Minister, Farouq al-Sharra, made the Syrian regime's intentions clear when he explicitly stated that "Syria's interest is to see the invaders defeated in Iraq".

(34) On April 13, 2003, Secretary of Defense Donald Rumsfeld charged that "busloads" of Syrian fighters entered Iraq with "hundreds of thousands of dollars" and leaflets offering rewards for dead American soldiers.

(35) On September 16, 2003, the Under Secretary of State for Arms Control and International Security, John Bolton, appeared before the Subcommittee on the Middle East and Central Asia of the Committee on International Relations of the House of Representatives, and underscored Syria's "hostile actions" toward coalition forces during Operation Iraqi Freedom. Under Secretary Bolton added that: "Syria allowed military equipment to flow into Iraq on the eve of and during the war. Syria permitted volunteers to pass into Iraq to attack and

kill our service members during the war, and is still doing so . . . [Syria's] behavior during Operation Iraqi Freedom underscores the importance of taking seriously reports and information on Syria's WMD capabilities.”

(36) During his appearance before the Committee on International Relations of the House of Representatives on September 25, 2003, Ambassador L. Paul Bremer, III, Administrator of the Coalition Provisional Authority in Iraq, stated that out of the 278 third-country nationals who were captured by coalition forces in Iraq, the “single largest group are Syrians”.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Syria should immediately and unconditionally halt support for terrorism, permanently and openly declare its total renunciation of all forms of terrorism, and close all terrorist offices and facilities in Syria, including the offices of Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command;

(2) the Government of Syria should—

(A) immediately and unconditionally stop facilitating transit from Syria to Iraq of individuals, military equipment, and all lethal items, except as authorized by the Coalition Provisional Authority or a representative, internationally recognized Iraqi government;

(B) cease its support for “volunteers” and terrorists who are traveling from and through Syria into Iraq to launch attacks; and

(C) undertake concrete, verifiable steps to deter such behavior and control the use of territory under Syrian control;

(3) the Government of Syria should immediately declare its commitment to completely withdraw its armed forces, including military, paramilitary, and security forces, from Lebanon, and set a firm timetable for such withdrawal;

(4) the Government of Lebanon should deploy the Lebanese armed forces to all areas of Lebanon, including South Lebanon, in accordance with United Nations Security Council Resolution 520 (September 17, 1982), in order to assert the sovereignty of the Lebanese state over all of its territory, and should evict all terrorist and foreign forces from southern Lebanon, including Hizballah and the Iranian Revolutionary Guards;

(5) the Government of Syria should halt the development and deployment of medium- and long-range surface-to-surface missiles and cease the development and production of biological and chemical weapons;

(6) the Governments of Lebanon and Syria should enter into serious unconditional bilateral negotiations with the Government of Israel in order to realize a full and permanent peace;

(7) the United States should continue to provide humanitarian and educational assistance to the people of Lebanon only through appropriate private, nongovernmental organizations and appropriate international organizations, until such time as the Government of Lebanon asserts sovereignty and control over all of its territory and borders and achieves full political independence, as called for in United Nations Security Council Resolution 520; and

(8) as a violator of several key United Nations Security Council resolutions and as a nation that pursues policies which undermine international peace and security, Syria should not have been permitted to join the United Nations Security Council or serve as the Security Council's President, and should be removed from the Security Council.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) Syria will be held responsible for attacks committed by Hizballah and other terrorist groups with offices, training camps, or other facilities in Syria, or bases in areas of Lebanon occupied by Syria;

(2) the United States shall impede Syria's ability to support acts of international terrorism and efforts to develop or acquire weapons of mass destruction;

(3) the Secretary of State will continue to list Syria as a state sponsor of terrorism until Syria ends its support for terrorism, including its support of Hizballah and other terrorist groups in Lebanon and its hosting of terrorist groups in Damascus, and comes into full compliance with United States law relating to terrorism and United Nations Security Council Resolution 1373 (September 28, 2001);

(4) efforts against Hizballah will be expanded given the recognition that Hizballah is equally or more capable than al Qaeda;

(5) the full restoration of Lebanon's sovereignty, political independence, and territorial integrity is in the national security interest of the United States;

(6) Syria is in violation of United Nations Security Council Resolution 520 (September 17, 1982) through its continued occupation of Lebanese territory and its encroachment upon Lebanon's political independence;

(7) Syria's obligation to withdraw from Lebanon is not conditioned upon progress in the Israeli-Syrian or Israeli-Lebanese peace process but derives from Syria's obligation under Security Council Resolution 520;

(8) Syria's acquisition of weapons of mass destruction and ballistic missile programs threaten the security of the Middle East and the national security interests of the United States;

(9) Syria will be held accountable for any harm to Coalition armed forces or to any United States citizen in Iraq due to its facilitation of terrorist activities and its shipments of military supplies to Iraq; and

(10) the United States will not provide any assistance to Syria and will oppose multilateral assistance for Syria until Syria ends all support for terrorism, withdraws its armed forces from Lebanon, and halts the development and deployment of weapons of mass destruction and medium- and long-range surface-to-surface ballistic missiles.

SEC. 5. PENALTIES AND AUTHORIZATION.

(a) **PENALTIES.**—Until the President makes the determination that Syria meets all the requirements described in paragraphs (1) through (4) of subsection (d) and certifies such determination to Congress in accordance with such subsection—

(1) the President shall prohibit the export to Syria of any item, including the issuance of a license for the export of any item, on the United States Munitions List or Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.); and

(2) the President shall impose two or more of the following sanctions:

(A) Prohibit the export of products of the United States (other than food and medicine) to Syria.

(B) Prohibit United States businesses from investing or operating in Syria.

(C) Restrict Syrian diplomats in Washington, D.C., and at the United Nations in New York City, to travel only within a 25-mile radius of Washington, D.C., or the United Nations headquarters building, respectively.

(D) Prohibit aircraft of any air carrier owned or controlled by Syria to take off from, land in, or overfly the United States.

(E) Reduce United States diplomatic contacts with Syria (other than those contacts required to protect United States interests or carry out the purposes of this Act).

(F) Block transactions in any property in which the Government of Syria has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States.

(b) **WAIVER.**—The President may waive the application of paragraph (2) of subsection (a) for one or more 6-month periods if the President determines that it is in the vital national security interest of the United States to do so and transmits to Congress a report that contains the reasons therefor.

(c) **AUTHORITY TO PROVIDE ASSISTANCE TO SYRIA.**—If the President—

(1) makes the determination that Syria meets the requirements described in paragraphs (1) through (4) of subsection (d) and certifies such determination to Congress in accordance with such subsection;

(2) determines that substantial progress has been made both in negotiations aimed at achieving a peace agreement between Israel and Syria and in negotiations aimed at achieving a peace agreement between Israel and Lebanon; and

(3) determines that the Government of Syria is strictly respecting the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese army throughout Lebanon, as required under paragraph (4) of United Nations Security Council Resolution 520 (1982),

then the President is authorized to provide assistance to Syria under chapter 1 of Part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(d) **CERTIFICATION.**—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that—

(1) the Government of Syria has ceased providing support for international terrorist groups and does not allow terrorist groups, such as Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine,

and the Popular Front for the Liberation of Palestine—General Command to maintain facilities in territory under Syrian control;

(2) the Government of Syria has withdrawn all Syrian military, intelligence, and other security personnel from Lebanon;

(3) the Government of Syria has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles, is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, has provided credible assurances that such behavior will not be undertaken in the future, and has agreed to allow United Nations and other international observers to verify such actions and assurances; and

(4) the Government of Syria has ceased all support for, and facilitation of, all terrorist activities inside of Iraq, including preventing the use of territory under its control by any means whatsoever to support those engaged in terrorist activities inside of Iraq.

SEC. 6. REPORT.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the conditions described in paragraphs (1) through (4) of section 5(d) are satisfied, the Secretary of State shall submit to the appropriate congressional committees a report on—

(1) Syria's progress toward meeting the conditions described in paragraphs (1) through (4) of section 5(d);

(2) connections, if any, between individual terrorists and terrorist groups which maintain offices, training camps, or other facilities on Syrian territory, or operate in areas of Lebanon occupied by the Syrian armed forces, and the attacks against the United States that occurred on September 11, 2001, and other terrorist attacks on the United States or its citizens, installations, or allies; and

(3) how the United States is increasing its efforts against Hizballah given the recognition that Hizballah is equally or more capable than al Qaeda.

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

SEC. 7. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this Act, the term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Amend the title so as to read:

A bill to halt Syrian support for terrorism, end its occupation of Lebanon, and stop its development of weapons of mass destruction, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes.

PURPOSE AND SUMMARY

H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, as reported, expresses the Sense of Congress with respect to Syria and establishes a set of policies for the United States with respect to Syria.

It provides for incentives, in the form of sanctions, for Syria to change its actions; the sanctions are intended to deny Syria resources and limit its diplomatic legitimacy should it persist in its irresponsible behavior. The sanctions are to be imposed unless the President certifies that Syria is not providing support for terrorists; has ceased all support for terrorist activities inside of Iraq; has withdrawn all military, intelligence, and other security personnel from Lebanon; and has ceased the production, development, deployment, acquisition, or transfer of weapons of mass destruction and long-range ballistic missiles, has provided credible assurances that such behavior will not be undertaken in the future, and has agreed to allow United Nations and other international observers to verify such actions and assurances.

The imposition of some but not all of the sanctions may be waived by the President for one or more six month periods if he determines that it is in the vital national security of the United States to do so and transmits to Congress a report on the reasons he has done so.

While the President currently has the power to impose these sanctions under scattered laws or in one case inherent Presidential powers, the bill provides a policy structure that has been affirmed by Congress for their imposition in a concerted way, aimed at achieving important national purposes.

BACKGROUND AND NEED FOR THE LEGISLATION

Threats posed by the Syrian regime have been a growing, long-standing concern to both the Congress and successive Administrations.

Syria occupies a friendly country, Lebanon. Approximately 20,000 Syrian troops continue to occupy the north of Lebanon above Tripoli, the Beqaa Valley north of the town of Rashayah, and the Beirut-Damascus highway. These numbers compare to 35,000 troops at the beginning of Syria's occupation. Between May 1988 and June 2001, Syrian forces occupied most of west Beirut. In October 1989, as part of the Taif agreements, Syria agreed to begin discussions on possible Syrian troop withdrawals from Beirut to the Beqaa Valley, two years after political reforms were implemented (then-Lebanese President Hrawi signed the reforms in September 1990), and to withdraw entirely from Lebanon after an Israeli withdrawal. While Israel has, according to the United Nations, complied with its obligations, the Syrian withdrawal discussions, which should have started in September 1992, have not yet begun.

Syria is a "charter member" of the list of state sponsors of terrorism, first published by the Department of State in 1979 under the authority of 6(j)(1) of the Export Administration Act.

Syria supports and harbors Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command ("PFLP-GC"), and Hamas, including permitting the operation of offices and terrorist training camps on Syrian territory and on Syrian-controlled territory in Lebanon. Syria also permits the re-supply from Iran of Hizballah.

Syrian-supported groups have perpetrated acts of terrorism against Americans, most notably the bombing of U.S. Marine barracks in Syrian-occupied Lebanon in 1983, which killed 241 American Marines. Syrian-supported groups have also perpetrated suicide bombings and other acts of terror in Israel, which have claimed the lives of hundreds of innocent Israelis as well as American citizens.

Despite repeated American warnings, Syria has been complicit in attacks against Coalition forces in Iraq because it has permitted personnel who carried out those attacks to enter Iraq from Syria. Syria is still permitting these terrorists to pass into Iraq to attack and kill our service members. The largest group of these so-called "volunteers" or "irregulars" have been Syrian, and most of those who are not, have carried Syrian travel documents, in some cases specifically marked "reason for entry: Jihad. Length of stay: Indefi-

nite.” In fact, Syria’s Foreign Minister stated that “Syria’s interest is to see the invaders defeated in Iraq.”

Ambassador Paul Bremer, Administrator of the Coalition Provision Authority in Iraq, testified before the Full Committee that “the number of third country national detainees we have now is 278, of which 123 are from Syria. And we believe that there are rat lines, as they call them, from Syria into Iraq where both fighters and, in many cases, terrorists are still coming in.”

Finally, Syria has increased and diversified its weapons of mass destruction programs to present a serious threat to our interests in the region.

An unclassified CIA report to Congress covering the period from January to June 2001, stated that “Syria sought chemical weapons related precursors and expertise from foreign sources, maintains a stockpile of the nerve agent sarin and appears to be trying to develop more toxic and persistent nerve agents.”

In January 2002, the CIA estimated that: “Syria has developed chemical weapons warheads for its Scuds” and reported that the intelligence community remains concerned about Syria’s intentions regarding nuclear weapons. On September 16, 2003, Under Secretary of State for Arms Control and International Security John Bolton testified before the Subcommittee on the Middle East and Central Asia that “We are concerned about Syria’s nuclear R & D program and continue to watch for any signs of nuclear weapons activity? * * * We are aware of Syrian efforts to acquire dual-use technologies.”

The intentions of the Syrian regime with respect to its work with biological agents were made abundantly clear in April 2000, in a lengthy article published by the Syrian Defense Minister. In “Biological Germ Warfare: A New and Effective Method in Modern Warfare”, he wrote about the military’s plan to integrate biological weapons in its tactical and strategic arsenals.

The Committee is concerned that alleged espionage activities at Guantanamo Naval Base may involve Syria. According to press accounts, the military believes that certain of its members illegally provided Syrian officials with classified materials about enemy combatants held at the Base. The Committee has growing concerns over the alleged security breaches at Guantanamo and their ramifications for United States intelligence and military operations.

Despite the ongoing threat posed by Syria, foreign investments in Syria, especially in its oil and gas sector, are increasing. Such investments would seem to be contrary to the Administration’s intention, expressed in President George W. Bush’s January 29, 2002 State of the Union address, to “starve the terrorists” and “to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction.”

The Committee therefore believes it is important to encourage, or require, the President to take steps that will deny Syria the resources it requires to expand its WMD capabilities, continue its support for terrorism, and maintain its forces in Lebanon.

The Syria Accountability and Lebanese Sovereignty Restoration Act would accomplish this goal by imposing sanctions on Syria: it holds Syria accountable for activities that pose a direct threat to the safety of the United States and our allies.

HEARINGS

During the 108th Congress, the Committee's Subcommittee on the Middle East and Central Asia held several hearings and briefings on Syria and related matters. Testimony and statements were received from the Honorable John R. Bolton, Under Secretary for Arms Control and International Security, United States Department of State (March 19, 2003; September 16, 2003—Open and Classified); the Honorable William Burns, Assistant Secretary, Bureau of Near Eastern Affairs, United States Department of State (February 13, 2003; May 15, 2003; July 9, 2003; September 9, 2003). Members of the Subcommittee met informally with the Honorable Michelle Aoun, a former Prime Minister of Lebanon; Dr. Daniel Pipes, a member of the Board of Directors of the United States Institute of Peace; and Ambassador Marc Ginsburg (former United States Ambassador to Morocco) (September 17, 2003) and reviewed additional material submitted by numerous other individuals and organizations.

Full Committee hearings and informal briefings on Iraq were held with Ambassador L. Paul Bremer III, Administrator of the Coalition Provisional Authority Iraq (July 22, 2003; September 25, 2003); the Honorable Paul Wolfowitz, Deputy Secretary of Defense, and General Peter Pace, U.S.M.C., Vice Chairman of the Joint Chiefs of Staff (June 26, 2003); and the Honorable Richard Armitage, Deputy Secretary of State (September 10, 2003), during which issues pertaining to H.R. 1828 were addressed.

COMMITTEE CONSIDERATION

On October 8, 2003, the Committee met in open session, pursuant to notice, and ordered favorably reported the bill H.R. 1828, as amended, by a vote of 33 to 2, a quorum being present.

During the Committee's consideration of the bill on October 8th, an amendment in the nature of a substitute was offered by the Honorable Ileana Ros-Lehtinen. The amendment in the nature of a substitute made numerous technical changes to the bill, such as updating references to now-obsolete United Nations Security Council Resolutions restricting trade with Iraq. It added references to Syria's permitting arms and fighters to pass between Iraq and Syria. It deleted references to Lebanon in a provision authorizing development assistance to be provided to Syria and Lebanon once Syria meets certain criteria.

An amendment to the amendment in the nature of a substitute was offered by the Honorable Gary Ackerman. The Ackerman amendment expressed the Sense of Congress that the President should not nominate an Ambassador to Syria or accept the credentials of a Syrian Ambassador to the United States until certain criteria were fulfilled. The Ackerman amendment was defeated by a vote of 10–22.

The Honorable Robert Wexler offered and later withdrew an amendment relating to Syrian involvement in espionage in Guantanamo Bay.

Subsequently, the Ros-Lehtinen amendment in the nature of a substitute was adopted by voice vote.

VOTE(S) OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the Committee Report.

The Ackerman to the Ros-Lehtinen amendment in the nature of a substitute expressed the Sense of Congress that President withhold the nomination of a United States Ambassador to Syria and refuse to accept the credentials of any proposed Ambassador from the Government of Syria until the Government of Syria meets certain requirements. The amendment was defeated by a vote of 10–22.

Voting yes: Lantos, Ackerman, Menendez, Brown, Sherman, Wexler, Engel, Crowley, Hoeffel, and Bell.

Voting no: Leach, Burton, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, Chabot, Tancredo, Paul, Smith (MI), Pitts, Flake, Davis, Green, Pence, McCotter, Janklow, Harris, Berman, Smith (WA), McCollum, and Hyde.

The motion to report H.R. 1828 to the House favorably, as amended, was agreed to by a record vote of 33–2.

Voting yes: Leach, Smith (NJ), Burton, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, Chabot, McHugh, Tancredo, Smith (MI), Pitts, Davis, Green, Pence, McCotter, Janklow, Harris, Lantos, Berman, Ackerman, Menendez, Brown, Sherman, Wexler, Engel, Crowley, Hoeffel, Schiff, Smith (WA), McCollum, Bell and Hyde.

Voting no: Paul and Flake.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

The Committee estimates there will be no significant federal cost involved in the enactment of H.R. 1828.

PERFORMANCE GOALS AND OBJECTIVES

The bill as reported encourages—and in certain cases requires—the imposition of sanctions on Syria. The goal of the bill is to provide incentives to Syria to change its behavior and, to the extent certain resources are not provided to Syria, to prevent Syria from pursuing certain forms of behavior that are inimical to the interests of the United States. If the goals of the bill are met, Syrian behavior will improve, or it will become harder for Syria to continue to support terrorists, sustain its occupation of Lebanon, or gain access to weapons of mass destruction.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clauses 3 and 18 of the Constitution.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Title

This section provides that the Act may be cited as the “Syrian Accountability and Lebanese Sovereignty Restoration Act of 2003”.

Sec. 2. Findings

This section documents Syria’s support for terrorism; its support for terrorist activities inside of Iraq; its occupation of Lebanon in contravention of United Nations Security Council resolutions and United States policy; and its development of weapons of mass destruction and missile programs.

Sec. 3. Sense of Congress

This section outlines Congressional views of steps the Syrian regime must immediately undertake: ending support for terrorism, stopping the transit of fighters and material into Iraq from Syria, declare its commitment to withdrawal of its forces from Lebanon and establish a timetable for that withdrawal, halt the development of missiles and the development and production of chemical and biological weapons; enter into serious discussions with Israel in order to realize a full and permanent peace.

This section also addresses the Lebanese government and requests that it send its forces into Southern Lebanon and evict Hizballah and Iranian Revolutionary Guards and expresses the sense of Congress that Lebanon should receive assistance from the United States only through non-governmental organizations and international organizations until it asserts control over its entire territory and achieves full political independence. Finally, the section asserts it was improper for Syria to be elected to the Security Council and calls for its removal from the Council. It is the expectation of the Committee that the President and the Administration, in carrying out this statute, will refer to this section and to section 4 for guidance so that the President and the Administration will understand the range of concerns the Congress has with respect to Syria and Lebanon and the policies it is establishing.

Sec. 4. Statement of Policy

This section establishes United States policy toward Syria and on related matters. It establishes as policy—

- (1) That Syria should be held accountable for attacks committed by terrorist groups which Syria harbors;
- (2) That Syria should be impeded from harboring terrorists or developing or acquiring weapons of mass destruction;
- (3) That Syria should continue to be described as a state sponsor of terrorism until it ceases support for terrorism and comes into compliance with relevant United States law and United Nations Security Council resolutions;
- (4) That efforts against Hizballah should be expanded;

(5) That the full restoration of Lebanon's sovereignty, political independence, and territorial integrity is in the national security interest of the United States;

(6) That Syria is in violation of United Nations Security Council Resolution 520 (September 17, 1982) through its continued occupation of Lebanese territory and its encroachment upon Lebanon's political independence;

(7) That Syria's obligation to withdraw from Lebanon is not conditioned upon progress in the Israeli-Syrian or Israeli-Lebanese peace process but derives from Syria's obligation under Security Council Resolution 520;

(8) That Syria's acquisition of weapons of mass destruction threaten the security of the Middle East and the national security of the United States;

(9) That Syria will be held accountable for any harm to Coalition armed forces or to any United States citizen in Iraq due to Syria's facilitation of terrorist activities and shipments of military supplies to Iraq; and

(10) That the United States will not provide any assistance to and will oppose multilateral assistance to Syria until it ends all support for terrorism, withdraws its armed forces from Lebanon, and halts the development and deployment of weapons of mass destruction.

Sec. 5. Penalties and authorization

Subsection 5(a) provides for a series of penalties to be imposed on Syria unless the President makes a certification described in subsection 5(d) (or, with respect to certain of them, unless the President waives their imposition pursuant to section 5(b)). The Committee intends that wherever possible the President use existing statutes, to the extent that they exist, in coordination with the authority of this Act, to implement any sanctions that the President chooses to impose.

Subsection 5(a)(1) requires the President to prohibit the export to Syria of any item (including the issuance of a license for the export of any item) on the United States Munitions List or on the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.).

Subsection 5(a)(2) additionally requires the President to impose two or more of the following sanctions:

Under section 5(a)(2)(A), to prohibit the export of products of the United States (other than food and medicine) to Syria. The Committee notes that similar prohibitions are in effect with respect to most exports to most nations on the list of state sponsors of terrorism.

Under section 5(a)(2)(B), to prohibit United States businesses from investing or operating in Syria. The Committee believes that American companies might appropriately be prevented from providing an economic lifeline to the Syrian regime through commercial transactions that do not involve the exports of U.S. products. This section is designed, in particular, to complicate, discourage, or prohibit investments in Syria's oil and gas sector which continues to serve as the engine for the Syrian economy and a means for Syria to gain funds to pay for terrorism, occupation, and weapons of mass destruction.

Under section 5(a)(2)(C), to restrict Syrian diplomats in Washington, D.C., and at the United Nations in New York City, to travel only within a 25-mile radius of Washington, D.C., or the United Nations headquarters building, respectively. This limitation is consistent with the restrictions imposed on officials of other countries on the state-sponsors of terrorism list; even if American diplomats are not now physically prevented from traveling within Syria, the heavy police and intelligence presence in that country restricts the ability of our diplomats to have the kind of encounters with Syrians that Syrian diplomats are allowed to have with Americans.

Under section 5(a)(2)(D), to prohibit aircraft of any air carrier owned or controlled by Syria to take off from, land in, or overfly the United States. This sanction seeks to avert potential threats to United States national security from the use of aircrafts to perpetrate terrorist attacks.

Under section 5(a)(2)(E), to reduce United States diplomatic contacts with Syria (other than those contacts required to protect United States interests or carry out the purposes of the act). The options could range from suspending diplomatic ties altogether to reducing the level of representation or number of representatives.

Under Section 5(a)(2)(F), to block transactions in any property in which the Government of Syria has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States.

Subsection 5(b) provides that the President may waive the application of paragraph (2) of subsection (a) (which requires the imposition of at least two of a list of six sanctions) for one or more 6-month periods if the President determines that it is in the vital national security interest of the United States to do so and transmits to Congress a report that contains the reasons therefor. There is no authority provided to waive the sanction provided for in paragraph (1) of subsection 5(b).

Subsection 5(c) provides that if the President (1) makes the determination that Syria meets the requirements described in paragraphs (1) through (4) of subsection (d); (2) certifies that determination to Congress in accordance with such subsection; (3) determines that substantial progress has been made both in negotiations aimed at achieving a peace agreement between Israel and Syria and in negotiations aimed at achieving a peace agreement between Israel and Lebanon; and (4) determines that the Government of Syria is strictly respecting the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese army throughout Lebanon, as required under paragraph (4) of United Nations Security Council Resolution 520 (1982), then the President is authorized to provide assistance to Syria under chapter 1 of Part I of the Foreign Assistance Act of 1961 (relating to development assistance).

This subsection sets out a policy of indicating to Syria the general conditions under which Congress believes Syria should be provided development assistance by the United States; in effect, it encourages the use of Presidential authority to provide such assistance, consistent with other provisions of law, should the conditions specified be met. This assistance could be provided from otherwise unallocated development assistance funds. This subsection does not

authorize or earmark any particular level of funding nor does it amend, supplement, or override any statute permitting, conditioning, or prohibiting assistance, including development assistance, to or for Syria. (Most United States assistance to Syria is prohibited pursuant to Section 620A of the Foreign Assistance Act, Section 40 of the Arms Export Control Act, and an annual provision in Foreign Operations appropriation acts (recently, Section 507). Other provisions restricting assistance to Syria have been enacted in Section 101 of Public Law 98–151 and Section 1004 of Public Law 98–164.)

Subsection 5(d) sets out the certification required to be made and transmitted to the appropriate committees of Congress if sanctions under section 5(a) are not to be imposed and as part of the process referred to in section 5(c).

In order to make the certification, the President must find:

(1) That the Government of Syria has ceased providing support for international terrorist groups and does not allow terrorist groups, such as Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command to maintain facilities in territory under Syrian control;

(2) The Government of Syria has withdrawn all Syrian military, intelligence, and other security personnel from Lebanon;

(3) The Government of Syria has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles, is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, has provided credible assurances that such behavior will not be undertaken in the future, and has agreed to allow United Nations and other international observers to verify such actions and assurances; and

(4) The Government of Syria has ceased all support for, and facilitation of, all terrorist activities inside of Iraq, including preventing the use of territory under its control by any means whatsoever to support those engaged in terrorist activities inside of Iraq.

With respect to element (3) of the certification, it is the intent of the Congress that the International Atomic Energy Agency, in consultation with pertinent United States officials, be the international entity responsible for verification of Syria's nuclear activities.

With respect to element (1) of the certification, the Committee believes that although the "offices" of certain Palestinian terrorist organizations in Syria may have been "closed," those organizations and their personnel have continued operations and activities in Damascus and elsewhere. The Committee intends that in order for the President to make the certification described in Section 5(d), Syria must have taken all the steps necessary to completely halt all the operations and activities of terrorist organizations in Syria and in areas of Syrian-occupied Lebanon.

Sec. 6. Report

This section calls for annual reports from the Secretary of State, beginning no later than 6 months after the date of enactment, until

the conditions described in section 5(d) (1) through (4) are satisfied. The report shall cover Syria's progress toward meeting the conditions in paragraphs (1) through (4) of section 5(d). In addition the report shall cover (a) the connections, if any, between individual terrorists, and terrorist groups which maintain offices, training camps, or other facilities on Syrian territory, or operate in areas of Lebanon occupied by the Syrian armed forces, and the attacks against the United States that occurred on September 11, 2001, and other terrorist attacks on the United States or its citizens, installations, or allies and (b) how the United States is increasing its efforts against Hizballah. It is the Committee's expectation that the report shall be detailed and informative.

Subsection 5(b) provides that the report shall be unclassified but may include a classified annex.

Sec. 7. Definition of appropriate congressional committees

Defines the term "appropriate congressional committees" for the purposes of the Act to mean the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

NEW ADVISORY COMMITTEES

H.R. 1828 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 1828 does not apply to the legislative branch.

FEDERAL MANDATES

In the opinion of the Committee, H.R. 1828 provides no Federal mandates.

○