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S. 2034

To impose sanctions with respect to human rights abuses committed against the people of Syria, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2012

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. BROWN of Ohio) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions with respect to human rights abuses committed against the people of Syria, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Syria Human Rights
5 Accountability Act of 2012”.

1 **SEC. 2. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS**
2 **WHO ARE RESPONSIBLE FOR OR COMPLICIT**
3 **IN HUMAN RIGHTS ABUSES COMMITTED**
4 **AGAINST CITIZENS OF SYRIA OR THEIR FAM-**
5 **ILY MEMBERS.**

6 (a) IN GENERAL.—The President shall impose sanc-
7 tions described in subsection (c) with respect to each per-
8 son on the list required by subsection (b).

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

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act, the President
13 shall submit to the appropriate congressional com-
14 mittees a list of persons who are officials of the Gov-
15 ernment of Syria or persons acting on behalf of that
16 Government that the President determines, based on
17 credible evidence, are responsible for or complicit in,
18 or responsible for ordering, controlling, or otherwise
19 directing, the commission of serious human rights
20 abuses against citizens of Syria or their family mem-
21 bers, regardless of whether such abuses occurred in
22 Syria.

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

1 (A) not later than 270 days after the date
2 of the enactment of this Act and every 180
3 days thereafter; and

4 (B) as new information becomes available.

5 (3) FORM OF REPORT; PUBLIC AVAILABILITY.—

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

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

14 (4) CONSIDERATION OF DATA FROM OTHER
15 COUNTRIES AND NONGOVERNMENTAL ORGANIZA-
16 TIONS.—In preparing the list required by paragraph
17 (1), the President shall consider credible data al-
18 ready obtained by other countries and nongovern-
19 mental organizations, including organizations in
20 Syria, that monitor the human rights abuses of the
21 Government of Syria.

22 (c) SANCTIONS DESCRIBED.—The sanctions de-
23 scribed in this subsection are ineligibility for a visa to
24 enter the United States and sanctions pursuant to the
25 International Emergency Economic Powers Act (50

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

11 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO THE**
 12 **TRANSFER OF GOODS OR TECHNOLOGIES TO**
 13 **SYRIA THAT ARE LIKELY TO BE USED TO**
 14 **COMMIT HUMAN RIGHTS ABUSES.**

15 (a) IN GENERAL.—The President shall impose sanc-
 16 tions described in section 2(c) with respect to—

17 (1) each person on the list required by sub-
 18 section (b); and

19 (2) any person that—

20 (A) is a successor entity to a person on the
 21 list;

22 (B) owns or controls a person on the list,
 23 if the person that owns or controls the person
 24 on the list had actual knowledge or should have
 25 known that the person on the list engaged in

1 the activity described in subsection (b)(2) for
2 which the person was included in the list; or

3 (C) is owned or controlled by, or under
4 common ownership or control with, the person
5 on the list, if the person owned or controlled by,
6 or under common ownership or control with (as
7 the case may be), the person on the list know-
8 ingly engaged in the activity described in sub-
9 section (b)(2) for which the person was included
10 in the list.

11 (b) LIST.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the President
14 shall submit to the appropriate congressional com-
15 mittees a list of persons that the President deter-
16 mines have knowingly engaged in an activity de-
17 scribed in paragraph (2) on or after such date of en-
18 actment.

19 (2) ACTIVITY DESCRIBED.—

20 (A) IN GENERAL.—A person engages in an
21 activity described in this paragraph if the per-
22 son—

23 (i) transfers, or facilitates the transfer
24 of, goods or technologies described in sub-
25 paragraph (C) to Syria; or

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

(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police sticks, mace, stun grenades, tasers or other electroshock weapons, tear gas,

1 water cannons, or surveillance technology;
2 or

3 (ii) sensitive technology (as defined in
4 section 5(c)).

5 (3) SPECIAL RULE TO ALLOW FOR TERMI-
6 NATION OF SANCTIONABLE ACTIVITY.—The Presi-
7 dent shall not be required to include a person on the
8 list required by paragraph (1) if the President cer-
9 tifies in writing to the appropriate congressional
10 committees that—

11 (A) the person is no longer engaging in, or
12 has taken significant verifiable steps toward
13 stopping, the activity described in paragraph
14 (2) for which the President would otherwise
15 have included the person on the list; and

16 (B) the President has received reliable as-
17 surances that the person will not knowingly en-
18 gage in any activity described in paragraph (2)
19 in the future.

20 (4) UPDATES OF LIST.—The President shall
21 submit to the appropriate congressional committees
22 an updated list under paragraph (1)—

23 (A) not later than 270 days after the date
24 of the enactment of this Act and every 180
25 days thereafter; and

1 (B) as new information becomes available.

2 (5) FORM OF REPORT; PUBLIC AVAILABILITY.—

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

6 (B) PUBLIC AVAILABILITY.—The unclassi-
7 fied portion of the list required by paragraph
8 (1) shall be made available to the public and
9 posted on the websites of the Department of the
10 Treasury and the Department of State.

11 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
12 **SONS WHO ENGAGE IN CENSORSHIP IN**
13 **SYRIA.**

14 (a) IN GENERAL.—The President shall impose sanc-
15 tions described in section 2(c) with respect to each person
16 on the list required by subsection (b).

17 (b) LIST OF PERSONS WHO ENGAGE IN CENSOR-
18 SHIP.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, the President
21 shall submit to the appropriate congressional com-
22 mittees a list of persons that the President deter-
23 mines have engaged in censorship, or activities relat-
24 ing to censorship, in a manner that prohibits, limits,

1 or penalizes the legitimate exercise of freedom of ex-
 2 pression by citizens of Syria.

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

6 (A) not later than 270 days after the date
 7 of the enactment of this Act and every 180
 8 days thereafter; and

9 (B) as new information becomes available.

10 (3) FORM OF REPORT; PUBLIC AVAILABILITY.—

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

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

19 **SEC. 5. PROHIBITION ON PROCUREMENT CONTRACTS WITH**
 20 **PERSONS THAT EXPORT SENSITIVE TECH-**
 21 **NOLOGY TO SYRIA AND THEIR AFFILIATES.**

22 (a) IN GENERAL.—Except as provided in subsection
 23 (b), and pursuant to such regulations as the President
 24 may prescribe, the head of an executive agency may not
 25 enter into or renew a contract, on or after the date that

1 is 90 days after the date of the enactment of this Act,
2 for the procurement of goods or services with—

3 (1) a person that exports sensitive technology to
4 Syria; or

5 (2) any person that—

6 (A) is a successor entity to a person re-
7 ferred to in paragraph (1);

8 (B) owns or controls a person referred to
9 in paragraph (1), if the person that owns or
10 controls the person referred to in paragraph (1)
11 has actual knowledge or should know that the
12 person referred to in paragraph (1) exports sen-
13 sitive technology to Syria; or

14 (C) is owned or controlled by, or under
15 common ownership or control with, a person re-
16 ferred to in paragraph (1), if the person owned
17 or controlled by, or under common ownership or
18 control with (as the case may be), the person
19 referred to in paragraph (1) knowingly engages
20 in the exportation by the person referred to in
21 paragraph (1) of sensitive technology to Syria.

22 (b) AUTHORIZATION TO EXEMPT CERTAIN PROD-
23 UCTS.—The President is authorized to exempt from the
24 prohibition under subsection (a) only eligible products, as
25 defined in section 308(4) of the Trade Agreements Act

1 of 1979 (19 U.S.C. 2518(4)), of any foreign country or
2 instrumentality designated under section 301(b) of that
3 Act (19 U.S.C. 2511(b)).

4 (c) SENSITIVE TECHNOLOGY DEFINED.—

5 (1) IN GENERAL.—The term “sensitive tech-
6 nology” means hardware, software, telecommuni-
7 cations equipment, or any other technology, that the
8 President determines is to be used specifically—

9 (A) to restrict the free flow of unbiased in-
10 formation in Syria; or

11 (B) to disrupt, monitor, or otherwise re-
12 strict speech of the people of Syria.

13 (2) EXCEPTION.—The term “sensitive tech-
14 nology” does not include information or informa-
15 tional materials the exportation of which the Presi-
16 dent does not have the authority to regulate or pro-
17 hibit pursuant to section 203(b)(3) of the Inter-
18 national Emergency Economic Powers Act (50
19 U.S.C. 1702(b)(3)).

20 (d) SPECIAL RULE TO ALLOW FOR TERMINATION OF
21 SANCTIONABLE ACTIVITY.—The prohibition in subsection
22 (a) shall not apply with respect to a person described in
23 paragraph (1) or (2) of subsection (a) if the President cer-
24 tifies in writing to the appropriate congressional commit-
25 tees that—

1 (1) the person described in paragraph (1) of
2 that subsection is no longer engaging in, or has
3 taken significant verifiable steps toward stopping,
4 exporting sensitive technology to Syria; and

5 (2) the President has received reliable assur-
6 ances that that person will not knowingly export
7 sensitive technology to Syria in the future.

8 **SEC. 6. WAIVER.**

9 The President may waive the requirement to include
10 a person on a list required by section 2, 3, or 4 or to
11 impose sanctions pursuant to any such section, or the ap-
12 plication of section 5(a), if the President—

13 (1) determines that such a waiver is in the na-
14 tional security interests of the United States; and

15 (2) submits to the appropriate congressional
16 committees a report on the reasons for that deter-
17 mination.

18 **SEC. 7. TERMINATION.**

19 (a) IN GENERAL.—The provisions of this Act and
20 any sanctions imposed pursuant to this Act shall termi-
21 nate on the date on which the President submits to the
22 appropriate congressional committees—

23 (1) the certification described in subsection (b);
24 and

25 (2) a certification that—

1 (A) the Government of Syria is democrat-
2 ically elected and representative of the people of
3 Syria; or

4 (B) a legitimate transitional government of
5 Syria is in place.

6 (b) CERTIFICATION DESCRIBED.—A certification de-
7 scribed in this subsection is a certification by the Presi-
8 dent that the Government of Syria—

9 (1) has unconditionally released all political
10 prisoners;

11 (2) has ceased its practices of violence, unlawful
12 detention, torture, and abuse of citizens of Syria en-
13 gaged in peaceful political activity;

14 (3) has ceased its practice of procuring sensitive
15 technology designed to restrict the free flow of unbi-
16 ased information in Syria, or to disrupt, monitor, or
17 otherwise restrict the right of citizens of Syria to
18 freedom of expression;

19 (4) has ceased providing support for foreign
20 terrorist organizations and no longer allows such or-
21 ganizations, including Hamas, Hezbollah, and Pales-
22 tinian Islamic Jihad, to maintain facilities in terri-
23 tory under the control of the Government of Syria;

1 (5) has ceased the development and deployment
2 of medium- and long-range surface-to-surface bal-
3 listic missiles;

4 (6) is not pursuing or engaged in the research,
5 development, acquisition, production, transfer, or de-
6 ployment of biological, chemical, or nuclear weapons,
7 and has provided credible assurances that it will not
8 engage in such activities in the future; and

9 (7) has agreed to allow the United Nations and
10 other international observers to verify that the Gov-
11 ernment of Syria is not engaging in such activities
12 and to assess the credibility of the assurances pro-
13 vided by that Government.

14 (c) **SUSPENSION OF SANCTIONS AFTER ELECTION OF**
15 **DEMOCRATIC GOVERNMENT.**—If the President submits to
16 the appropriate congressional committees the certification
17 described in subsection (a)(2), the President may suspend
18 the provisions of this Act and any sanctions imposed
19 under this Act for not more than one year to allow time
20 for a certification described in subsection (b) to be sub-
21 mitted.

22 **SEC. 8. RECORDKEEPING.**

23 The President may prescribe such regulations requir-
24 ing recordkeeping, reporting, and production of documents

1 as the President determines appropriate to carry out this
2 Act.

3 **SEC. 9. DEFINITIONS.**

4 In this Act, the terms “appropriate congressional
5 committees” and “knowingly” have the meanings given
6 those terms in section 14 of the Iran Sanctions Act of
7 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

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