

voice, vote, and influence of the United States at the United Nations to advocate that the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

“(f) EFFECT OF SECTION.—Nothing in this section shall be construed to violate the American Servicemembers’ Protection Act of 2002 (22 U.S.C. 7421 et seq.).

“(g) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations; the Committee on Armed Services, and the Committee on the Judiciary of the Senate; and

“(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives.

“(2) GENOCIDE.—The term ‘genocide’ means any offense described in section 1091(a) of title 18, United States Code.

“(3) HYBRID TRIBUNAL.—The term ‘hybrid tribunal’ means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

“(4) TRANSITIONAL JUSTICE.—The term ‘transitional justice’ means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

“(A) to redress legacies of atrocities; and

“(B) to promote long-term, sustainable peace.

“(5) WAR CRIME.—The term ‘war crime’ has the meaning given the term in section 2441(c) of title 18, United States Code.”

§ 8792. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses

(a) In general

The President shall impose sanctions described in section 8791(c) of this title with respect to—

(1) each person on the list required by subsection (b); and

(2) any person that—

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

(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

(C) is owned or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list.

(b) List

(1) In general

Not later than 120 days after August 10, 2012, the President shall submit to the appropriate congressional committees a list of persons

that the President determines have knowingly engaged in an activity described in paragraph (2) on or after August 10, 2012.

(2) Activity described

(A) In general

A person engages in an activity described in this paragraph if the person—

(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (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 August 10, 2012.

(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), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology.

(D) Sensitive technology defined

(i) In general

For purposes of subparagraph (C), the term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(I) to restrict the free flow of unbiased information in Syria; or

(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.

(ii) Exception

The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 1702(b)(3) of title 50.

(3) Special rule to allow for termination of sanctionable activity

The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

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

(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

(4) Updates of list

The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after August 10, 2012, and every 180 days thereafter; and

(B) as new information becomes available.

(5) Form of report; public availability

(A) Form

The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) Public availability

The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(Pub. L. 112–158, title VII, §703, Aug. 10, 2012, 126 Stat. 1266.)

TERMINATION OF SECTION

For termination of section, see section 8795 of this title.

§ 8793. Imposition of sanctions with respect to persons who engage in censorship or other forms of repression in Syria

(a) In general

The President shall impose sanctions described in section 8791(c) of this title with respect to each person on the list required by subsection (b).

(b) List of persons who engage in censorship

(1) In general

Not later than 120 days after August 10, 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

(2) Updates of list

The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after August 10, 2012, and every 180 days thereafter; and

(B) as new information becomes available.

(3) Form of report; public availability

(A) Form

The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) Public availability

The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(Pub. L. 112–158, title VII, §704, Aug. 10, 2012, 126 Stat. 1268.)

TERMINATION OF SECTION

For termination of section, see section 8795 of this title.

§ 8794. Waiver

The President may waive the requirement to include a person on a list required by section 8791, 8792, or 8793 of this title or to impose sanctions pursuant to any such section if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report on the reasons for that determination.

(Pub. L. 112–158, title VII, §705, Aug. 10, 2012, 126 Stat. 1268.)

TERMINATION OF SECTION

For termination of section, see section 8795 of this title.

§ 8795. Termination

(a) In general

The provisions of this subchapter and any sanctions imposed pursuant to this subchapter shall terminate on the date on which the President submits to the appropriate congressional committees—

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

(2) a certification that—

(A) the Government of Syria is democratically elected and representative of the people of Syria; or

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

(b) Certification described

A certification described in this subsection is a certification by the President that the Government of Syria—

(1) has unconditionally released all political prisoners;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;

(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;

(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and

(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;

(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided