

SUBCHAPTER VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA

§ 8791. Imposition of 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

(a) In general

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

(b) List of persons who are responsible for or complicit in certain human rights abuses

(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 who are officials of the Government of Syria or persons acting on behalf of that Government that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in 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.

(4) Consideration of data from other countries and nongovernmental organizations

In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.

(c) Sanctions described

The sanctions described in this subsection are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property, subject to such regulations as the President may prescribe.

(Pub. L. 112–158, title VII, § 702, Aug. 10, 2012, 126 Stat. 1265.)

TERMINATION OF SECTION

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

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (c), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this subchapter as the “Syria Human Rights Accountability Act of 2012”, see section 701 of Pub. L. 112–158, set out as a note under section 8701 of this title.

CAESAR SYRIA CIVILIAN PROTECTION

Pub. L. 116–92, div. F, title LXXIV, Dec. 20, 2019, 133 Stat. 2291, provided that:

“SEC. 7401. SHORT TITLE.

“This title may be cited as the ‘Caesar Syria Civilian Protection Act of 2019’.

“SEC. 7402. STATEMENT OF POLICY.

“It is the policy of the United States that diplomatic and coercive economic means should be utilized to compel the government of Bashar al-Assad to halt its murderous attacks on the Syrian people and to support a transition to a government in Syria that respects the rule of law, human rights, and peaceful co-existence with its neighbors.

“SUBTITLE A—ADDITIONAL ACTIONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA

“SEC. 7411. MEASURES WITH RESPECT TO CENTRAL BANK OF SYRIA.

“(a) DETERMINATION REGARDING CENTRAL BANK OF SYRIA.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of the Treasury shall determine, under section 5318A of title 31, United States Code, whether reasonable grounds exist for concluding that the Central Bank of Syria is a financial institution of primary money laundering concern.

“(b) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—If the Secretary of the Treasury determines under subsection (a) that reasonable grounds exist for concluding that the Central Bank of Syria is a financial institution of primary money laundering concern, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), shall impose one or more of the special measures described in section 5318A(b) of title 31, United States Code, with respect to the Central Bank of Syria.

“(c) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 90 days after making a determination under subsection (a) with respect to whether the Central Bank of Syria is a financial institution of primary money laundering concern, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that includes the reasons for the determination.

“(2) FORM.—A report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

“SEC. 7412. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

“(a) IMPOSITION OF SANCTIONS.—

“(1) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this Act [Dec. 20, 2019], the President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person, on or after such date of enactment, knowingly engages in an activity described in paragraph (2).

“(2) ACTIVITIES DESCRIBED.—A foreign person engages in an activity described in this paragraph if the foreign person—

“(A) knowingly provides significant financial, material, or technological support to, or knowingly engages in a significant transaction with—

“(i) the Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria;

“(ii) a foreign person that is a military contractor, mercenary, or a paramilitary force knowingly operating in a military capacity inside Syria for or on behalf of the Government of Syria, the Government of the Russian Federation, or the Government of Iran; or

“(iii) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria;

“(B) knowingly sells or provides significant goods, services, technology, information, or other support that significantly facilitates the maintenance or expansion of the Government of Syria’s domestic production of natural gas, petroleum, or petroleum products;

“(C) knowingly sells or provides aircraft or spare aircraft parts that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area directly or indirectly controlled by the Government of Syria or foreign forces associated with the Government of Syria;

“(D) knowingly provides significant goods or services associated with the operation of aircraft that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area described in subparagraph (C); or

“(E) knowingly, directly or indirectly, provides significant construction or engineering services to the Government of Syria.

“(3) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing this section, the President should consider financial support under paragraph (2)(A) to include the provision of loans, credits, or export credits.

“(b) SANCTIONS DESCRIBED.—

“(1) IN GENERAL.—The sanctions to be imposed with respect to a foreign person described in subsection (a) are the following:

“(A) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(B) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

“(i) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) is—

“(I) inadmissible to the United States;

“(II) ineligible to receive a visa or other documentation to enter the United States; and

“(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(ii) CURRENT VISAS REVOKED.—

“(I) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

“(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

“(aa) take effect immediately; and

“(bb) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

“(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 7433(b) to carry out paragraph (1)(A) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

“(3) EXCEPTIONS.—Sanctions under paragraph (1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

“(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

“(B) to carry out or assist law enforcement activity in the United States.

“SEC. 7413. STRATEGY RELATING TO AREAS OF SYRIA IN WHICH CIVILIANS ARE SUBJECT TO FORCED DISPLACEMENT.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the President shall—

“(1) identify the areas described in subsection (b); and

“(2) submit to the appropriate congressional committees the strategy described in subsection (c).

“(b) AREAS DESCRIBED.—The areas described in this subsection are areas in Syria that the President determines—

“(1) are under the control of—

“(A) the Government of Syria;

“(B) the Government of the Russian Federation;

“(C) the Government of Iran; or

“(D) a foreign person described in section 7412(a)(2)(A)(ii); and

“(2) are areas in which civilians have been subject to forced displacement by—

“(A) a government specified in subparagraph (A), (B), or (C) of paragraph (1); or

“(B) a foreign person described in section 7412(a)(2)(A)(ii).

“(c) STRATEGY DESCRIBED.—The strategy described in this subsection is a strategy to deter foreign persons from entering into contracts related to reconstruction in the areas described in subsection (b) for or on behalf of—

“(1) a government specified in subparagraph (A), (B), or (C) of subsection (b)(1); or

“(2) a foreign person described in section 7412(a)(2)(A)(ii).

“(d) FORM.—The strategy required by subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Affairs of the House of Representatives; and

“(2) the Committee on Foreign Relations of the Senate.

“SUBTITLE B—ASSISTANCE FOR THE PEOPLE OF SYRIA
“SEC. 7421. SENSE OF CONGRESS.

“It is the sense of Congress that it is in the interests of the United States to continue to provide assistance to the people of Syria in order to promote peace, stability, and development, including through multilateral organizations.

“SEC. 7422. BRIEFING ON MONITORING AND EVALUATING OF ONGOING ASSISTANCE PROGRAMS IN SYRIA AND TO THE SYRIAN PEOPLE.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the monitoring and evaluation of ongoing assistance programs in Syria and for the Syrian people, including assistance provided through multilateral organizations.

“(b) MATTERS TO BE INCLUDED.—The briefing required by subsection (a) shall include a description of—

“(1) the specific project monitoring and evaluation efforts, including measurable goals and performance metrics for assistance in Syria;

“(2) the memoranda of understanding entered into by the Department of State, the United States Agency for International Development, and their respective Inspectors General, and the multilateral organizations through which United States assistance will be delivered that formalize requirements for the sharing of information between such entities for the conduct of audits, investigations, and evaluations; and

“(3) the major challenges to monitoring and evaluating programs described in subsection (a).

“SEC. 7423. ASSESSMENT OF POTENTIAL METHODS TO ENHANCE THE PROTECTION OF CIVILIANS.

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the President shall brief the appropriate congressional committees on the potential effectiveness, risks, and operational requirements of military and non-military means to enhance the protection of civilians inside Syria, especially civilians who are in besieged areas, trapped at borders, or internally displaced.

“(b) CONSULTATION.—The briefing required by subsection (a) shall be informed by consultations with the Department of State, the United States Agency for International Development, the Department of Defense, and international and local humanitarian aid organizations operating in Syria.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

“(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

“SEC. 7424. ASSISTANCE TO SUPPORT ENTITIES TAKING ACTIONS RELATING TO GATHERING EVIDENCE FOR INVESTIGATIONS INTO WAR CRIMES OR CRIMES AGAINST HUMANITY IN SYRIA SINCE MARCH 2011.

“(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of State, after consultation with the Attorney General and the heads of other appropriate Federal agencies, is authorized, consistent with the national interest, to provide assistance to support entities that are conducting criminal investigations, sup-

porting prosecutions, or collecting evidence and preserving the chain of custody for such evidence for eventual prosecution, against those who have committed war crimes or crimes against humanity in Syria, including the aiding and abetting of such crimes by foreign governments and organizations supporting the Government of Syria, since March 2011.

“(b) LIMITATION.—No assistance may be provided under subsection (a) while President Bashar al-Assad remains in power—

“(1) to build the investigative or judicial capacities of the Government of Syria; or

“(2) to support prosecutions in the domestic courts in Syria.

“(c) BRIEFING.—Not later than one year after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of State shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on assistance provided under subsection (a).

“SEC. 7425. CODIFICATION OF CERTAIN SERVICES IN SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS’ ACTIVITIES AUTHORIZED.

“(a) IN GENERAL.—Except as provided in subsection (b), section 542.516 of title 31, Code of Federal Regulations (relating to certain services in support of nongovernmental organizations’ activities authorized), as in effect on the day before the date of the enactment of this Act [Dec. 20, 2019], shall—

“(1) remain in effect on and after such date of enactment; and

“(2) in the case of a nongovernmental organization that is authorized to export or reexport services to Syria under such section on the day before such date of enactment, apply to such organization on and after such date of enactment to the same extent and in the same manner as such section applied to such organization on the day before such date of enactment.

“(b) EXCEPTION.—

“(1) IN GENERAL.—Section 542.516 of title 31, Code of Federal Regulations, as codified under subsection (a), shall not apply with respect to a foreign person that has been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or otherwise designated as a terrorist organization, by the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security.

“(2) EFFECTIVE DATE.—Paragraph (1) shall apply with respect to a foreign person on and after the date on which the designation of that person as a terrorist organization is published in the Federal Register.

“SEC. 7426. BRIEFING ON STRATEGY TO FACILITATE HUMANITARIAN ASSISTANCE.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the President shall brief the appropriate congressional committees on the strategy of the President to help facilitate the ability of humanitarian organizations to access financial services to help facilitate the safe and timely delivery of assistance to communities in need in Syria.

“(b) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the strategy required by subsection (a), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations operating in Syria.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

“(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

“SUBTITLE C—GENERAL PROVISIONS

“SEC. 7431. SUSPENSION OF SANCTIONS.

“(a) IN GENERAL.—The President may suspend in whole or in part the imposition of sanctions otherwise required under this Act [probably means this title] or the imposition of sanctions required by any amendment made by this title for renewable periods not to exceed 180 days if the President determines that the following criteria have been met in Syria:

“(1) The air space over Syria is no longer being utilized by the Government of Syria or the Government of the Russian Federation to target civilian populations through the use of incendiary devices, including barrel bombs, chemical weapons, and conventional arms (including air-delivered missiles and explosives).

“(2) Areas besieged by the Government of Syria, the Government of the Russian Federation, the Government of Iran, or a foreign person described in section 7412(a)(2)(A)(i) are no longer cut off from international aid and have regular access to humanitarian assistance, freedom of travel, and medical care.

“(3) The Government of Syria is releasing all political prisoners forcibly held within the prison system of the regime of Bashar al-Assad and the Government of Syria is allowing full access to prison system facilities for investigations by appropriate international human rights organizations.

“(4) The forces of the Government of Syria, the Government of the Russian Federation, the Government of Iran, and any foreign person described in section 7412(a)(2)(A)(ii) are no longer engaged in deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets, in violation of international norms.

“(5) The Government of Syria is—

“(A) taking steps to verifiably fulfill its commitments under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Geneva September 3, 1992, and entered into force April 29, 1997 (commonly known as the ‘Chemical Weapons Convention’), and the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483); and

“(B) making tangible progress toward becoming a signatory to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow April 10, 1972, and entered into force March 26, 1975 (26 UST 583).

“(6) The Government of Syria is permitting the safe, voluntary, and dignified return of Syrians displaced by the conflict.

“(7) The Government of Syria is taking verifiable steps to establish meaningful accountability for perpetrators of war crimes in Syria and justice for victims of war crimes committed by the Assad regime, including through participation in a credible and independent truth and reconciliation process.

“(b) BRIEFING REQUIRED.—Not later than 30 days after the President makes a determination described in subsection (a), the President shall provide a briefing to the appropriate congressional committees on the determination and the suspension of sanctions pursuant to the determination.

“(c) REIMPOSITION OF SANCTIONS.—Any sanctions suspended under subsection (a) shall be reimposed if the President determines that the criteria described in that subsection are no longer being met.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to terminate the application of sanctions under section 7412 with respect to a person that no longer engages in activities described in subsection (a)(2) of that section.

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

“(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

“SEC. 7432. WAIVERS AND EXEMPTIONS.

“(a) EXEMPTIONS.—The following activities and transactions shall be exempt from sanctions authorized under this title or any amendment made by this title:

“(1) Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

“(2) Any transaction necessary to comply with United States obligations under—

“(A) the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States;

“(B) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967; or

“(C) any other international agreement to which the United States is a party.

“(b) WAIVER.—

“(1) IN GENERAL.—The President may, for renewable periods not to exceed 180 days, waive the application of any provision of this title (other than section 7434) with respect to a foreign person if the President certifies to the appropriate congressional committees that such a waiver is in the national security interests of the United States.

“(2) BRIEFING.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the reasons for the waiver.

“(c) HUMANITARIAN WAIVER.—

“(1) IN GENERAL.—The President may waive, for renewable periods not to exceed 2 years, the application of any provision of this title (other than section 7434) with respect to a nongovernmental organization providing humanitarian assistance not covered by the authorization described in section 7425 if the President certifies to the appropriate congressional committees that such a waiver is important to address a humanitarian need and is consistent with the national security interests of the United States.

“(2) BRIEFING.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the reasons for the waiver.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

“(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

“SEC. 7433. IMPLEMENTATION AND REGULATORY AUTHORITIES.

“(a) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this title and the amendments made by this title [this title does not contain any amendments].

“(b) REGULATORY AUTHORITY.—The President shall, not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], promulgate regulations as necessary for the implementation of this title and the amendments made by this title.

“SEC. 7434. EXCEPTION RELATING TO IMPORTATION OF GOODS.

“(a) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this title or the amendments made by this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(b) GOOD DEFINED.—In this section, the term ‘good’ means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“SEC. 7435. COST LIMITATION.

“No additional funds are authorized to be appropriated to carry out the requirements of this title and the amendments made by this title. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

“SEC. 7436. RULE OF CONSTRUCTION.

“Except for section 7434 with respect to the importation of goods, nothing in this title shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law.

“SEC. 7437. PROHIBITION ON CONSTRUCTION OF PROVISIONS OF THIS TITLE AS AN AUTHORIZATION FOR USE OF MILITARY FORCE.

“Nothing in this title may be construed as an authorization for use of military force.

“SEC. 7438. SUNSET.

“This title shall cease to be effective on the date that is 5 years after the date of the enactment of this Act [Dec. 20, 2019].”

[Functions and authorities of President under section 7426 of Pub. L. 116-92, set out above, delegated to Secretary of State by section 1(a) of Memorandum of President of the United States, Mar. 31, 2020, 85 F.R. 22343, set out as a note under section 2311 of Title 21, Food and Drugs. Functions and authorities under sections 7413, 7431, and 7432 of Pub. L. 116-92 delegated to Secretary of State, in consultation with the Secretary of the Treasury, by section 1(b)(i) to (iv) of the Memorandum. Functions and authorities under sections 7412(a) and (b)(1)(A) of Pub. L. 116-92 delegated to Secretary of the Treasury, in consultation with the Secretary of State, by section 1(d)(x) and (xi) of the Memorandum. Functions and authorities under section 7433 of Pub. L. 116-92 delegated to Secretary of the Treasury by section 1(e) of the Memorandum. Functions and authorities under section 7423 of Pub. L. 116-92 delegated to Secretary of State and the Secretary of Defense by section 1(f) of the Memorandum.]

SYRIAN WAR CRIMES ACCOUNTABILITY

Pub. L. 115-232, div. A, title XII, § 1232, Aug. 13, 2018, 132 Stat. 2035, provided that:

“(a) REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.—

“(1) IN GENERAL.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018] and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

“(2) ELEMENTS.—The reports required under paragraph (1) shall include—

“(A) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

“(i) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

“(ii) incidents that may constitute war crimes, crimes against humanity, or genocide committed

by violent extremist groups, anti-government forces, and any other combatants in the conflict;

“(iii) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

“(iv) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

“(B) a description and assessment by the Department of State Office of Global Criminal Justice, the United States Agency for International Development, the Department of Justice, and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including programs—

“(i) to train investigators within and outside of Syria on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

“(I) the number of United States Government or contract personnel currently designated to work full-time on these issues; and

“(II) the identification of the authorities and appropriations being used to support such training efforts;

“(ii) to promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide in Syria beginning in March 2011;

“(iii) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international nongovernmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and

“(iv) to assess the influence of accountability measures on efforts to reach a negotiated settlement to the Syrian conflict during the reporting period.

“(3) FORM.—The reports required under paragraph (1) may be submitted in unclassified or classified form, but shall include a publicly available annex.

“(4) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

“(b) TRANSITIONAL JUSTICE STUDY.—Not later than 180 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

“(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

“(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

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

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

“(c) TECHNICAL ASSISTANCE AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all non-state armed groups fighting in the country, including violent extremist groups in Syria beginning in March 2011—

“(A) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

“(B) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

“(C) conduct criminal investigations;

“(D) build Syria’s investigative and judicial capacities and support prosecutions in the domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

“(E) support investigations by third-party states, as appropriate; or

“(F) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

“(2) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under subsection (b), is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

“(3) BRIEFING.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in paragraph (1).

“(d) STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.—[Amended section 2708(b)(10) of this title.]

“(e) INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.—The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the 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