

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, supporting 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)(ii) 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)(ii) 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.]

2003 (22 U.S.C. 7707(a)(1)) is amended by striking “section 606(a)(1)(B)” and inserting “section 606(a)(2)”.

(2) AMENDMENT TO MILLENNIUM CHALLENGE COMPACT AUTHORITY.—Section 609(b)(2) of such Act (22 U.S.C. 7708(b)(2)) is amended—

(A) by amending the paragraph heading to read as follows: “COUNTRY CONTRIBUTIONS”; and

(B) by striking “with respect to a lower middle income country described in section 606(b).”.

(3) AMENDMENT TO AUTHORIZATION TO PROVIDE ASSISTANCE FOR CANDIDATE COUNTRIES.—Section 616(b)(1) of such Act (22 U.S.C. 7715(b)(1)) is amended by striking “subsection (a) or (b) of section 606” and inserting “section 606(a)”.

(d) MODIFICATION TO FACTORS IN DETERMINING ELIGIBILITY.—Section 607(c)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706(c)(2)) is amended in the matter preceding subparagraph (A) by striking “consider” and inserting “prioritize need and impact by considering”.

(e) REPORTING ALIGNMENT.—Section 613(a) of the Millennium Challenge Act of 2003 (22 U.S.C. 7712(a)) is amended to read as follows:

“(a) REPORT.—Not later than the third Friday of December of each year, the Chief Executive Officer shall submit a report to Congress describing the assistance provided pursuant to section 605 during the most recently concluded fiscal year.”.

(f) REPORT ON EFFORTS TO UNDERMINE PROGRAMS OF THE MILLENNIUM CHALLENGE CORPORATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the Millennium Challenge Corporation shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that details any efforts targeted towards undermining Millennium Challenge Corporation programs, particularly efforts conducted by the People’s Republic of China.

(2) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SEC. 5123. EXTENSION OF SUNSET.

Section 7438 of the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note) is amended by striking “the date that is 5 years after the date of the enactment of this Act” and inserting “December 31, 2029”.

SEC. 5124. STRATEGY AND GRANT PROGRAM TO PROMOTE INTERNET FREEDOM IN IRAN.

(a) STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the this Act, the Secretary of State, in consultation with the heads of other Federal agencies, as appropriate, shall develop a strategy to support and enhance access to information by civil society in Iran.

(2) ELEMENTS.—The strategy required in subparagraph (A) shall include the following elements:

(A) An evaluation of the use of virtual private networks by civil society in Iran.