

Syria Accountability and Lebanese Sovereignty Restoration Act of 2003

HR 1828 IH

108th CONGRESS

1st Session

H. R. 1828

To halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 12, 2003

Mr. ENGEL (for himself, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. BACHUS, Mr. BALLENGER, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. FROST, Mr. GREEN of Wisconsin, Mr. HOFFEL, Mr. ISRAEL, Mr. JANKLOW, Mr. KING of New York, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCNULTY, Mr. MICA, Mr. MOORE, Mr. NADLER, Mr. PALLONE, Mr. PENCE, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. ROSS, Mr. SAXTON, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. TURNER of Texas, Mr. VAN HOLLEN, Mr. VITTER, Mr. WEINER, Mr. WELLER, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

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

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

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

(4) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) and other relevant provisions of law.

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

(6) According to the most recent Department of State Patterns of Global Terrorism Report: '[Syria] continued in 2001 to provide safehaven and logistics support to a number of terrorist groups. Ahmad Jibrils Popular Front for the Liberation of Palestine-General Command (PFLP-GC), the Palestine Islamic Jihad (PIJ), Abu Musa's Fatah-the-Intifadah, George Habashs Popular Front for the Liberation of Palestine, and HAMAS continued to maintain offices in Damascus. Syria provided Hizballah, HAMAS, PFLP-GC, the PIJ, and other terrorist organizations refuge and basing privileges in Lebanon Bekaa Valley, under Syrian control.'

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

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

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

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

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

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

(13) Even in the face of this United Nations certification that acknowledged Israel's full compliance with Resolution 425, Syria permits attacks by Hizballah and other militant organizations on Israeli outposts at Shebaa Farms, under the false guise that it remains Lebanese land, and is also permitting attacks on civilian targets in Israel.

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

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

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

(17) The United States is providing an estimated \$36,870,000 in fiscal year 2003 in assistance to the Lebanese people through private nongovernmental organizations, \$6,180,000 of which is provided to Lebanese-American educational institutions.

(18) In the State of the Union address on January 29, 2002, President Bush declared that the United States

will `work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction'.

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

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

(21) The Government of Syria is pursuing the development and production of biological and chemical weapons and has begun a suspicious nuclear research program.

(22) According to the Central Intelligence Agency's `Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions', released January 7, 2003: `[Syria] already holds a stockpile of the nerve agent sarin but apparently is trying to develop more toxic and persistent nerve agents. Syria remains dependent on foreign sources for key elements of its [chemical weapons] program, including precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive [biological weapons] capability.'.

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

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

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

(26) Syria is not a party to the Chemical Weapons Convention or the Biological Weapons Convention, both of which entered into force on March 26, 1975.

(27) United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant resolutions restrict the sale of oil and other commodities by Iraq, except to the extent authorized by other relevant resolutions.

(28) Syria, a nonpermanent United Nations Security Council member, has been receiving between 150,000 and 200,000 barrels of oil per day from Iraq at a substantial discount per barrel in violation of United Nations Security Council Resolution 661 and subsequent resolutions. Recent estimates indicate that as much as 230,000 barrels of oil per day were shipped from Iraq to Syria in March 2003, or up to 60,000 barrels per day more than in February 2003.

(29) Syria's illegal imports and transshipments of Iraqi oil have earned Syria \$50,000,000 or more per month as Syria continues to sell its own Syrian oil at market prices.

(30) Syria's illegal imports and transshipments of Iraqi oil have earned Iraq approximately \$2,000,000 per day.

(31) Syrian President Bashar Assad promised Secretary of State Powell in February 2001 to end violations of Security Council Resolution 661 but this pledge has not been fulfilled.

(32) United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant Security Council resolutions restrict the sale or supply of `weapons or any military equipment' to Iraq.

(33) The Government of Syria has utilized the railway network linking Mosul, Iraq, to Aleppo, Syria, to trans-

for a wide range of weaponry and weapon systems to Iraq.

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

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

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

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that--

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

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

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

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

(5) the Government of Syria should halt illegal imports and transshipments of Iraqi oil and illegal sales and supplies of weapons and military-related equipment to Iraq and come into full compliance with United Nations Security Council Resolution 661 and subsequent relevant resolutions;

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

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

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

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that--

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

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

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

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

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

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

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

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

(9) Syria is in violation of United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant resolutions through its continued purchase of oil from Iraq and shipments of weapons and other military equipment to Iraq;

(10) Syria will be held accountable for any harm to Coalition armed forces of Operation Iraqi Freedom caused by shipments of military supplies from Syria to Iraq; and

(11) the United States will not provide any assistance to Syria and will oppose multilateral assistance for Syria until Syria withdraws its armed forces from Lebanon, halts the development and deployment of weapons of mass destruction and medium and long range surface to surface ballistic missiles, and complies with Security Council Resolution 661 and subsequent relevant resolutions.

SEC. 5. PENALTIES AND AUTHORIZATION.

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

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

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

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

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

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

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

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

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

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

(c) AUTHORITY TO PROVIDE ASSISTANCE TO SYRIA AND LEBANON- If the President--

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

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

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

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

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

(1) the Government of Syria does not provide support for international terrorist groups and does not allow terrorist groups, such as Hamas, Hizballah, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine--General Command to maintain facilities in Syria;

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

(3) the Government of Syria has ceased the development and deployment of medium and long range surface to surface ballistic missiles and has ceased the development and production of biological and chemical weapons; and

(4) the Government of Syria is no longer in violation of United Nations Security Council Resolution 661 and subsequent relevant resolutions.

SEC. 6. REPORT.

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

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

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

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

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

SEC. 7. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

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