



Armed Conflict in Syria: U.S. and International Response

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June 14, 2013

Congressional Research Service

7-5700

www.crs.gov

RL33487

CRS Report for Congress

Prepared for Members and Committees of Congress

Summary

The popular-uprising-turned-armed-rebellion in Syria is in its third year, and seems poised to continue, with the government and a bewildering array of militias locked in a bloody struggle of attrition. The Obama Administration has signaled a pending expansion of U.S. civilian and military assistance to the opposition in the wake of the U.S. intelligence community's conclusion that President Bashar al Asad's forces used chemical weapons in limited attacks in recent months. U.S. officials and many analysts have asserted that President Asad and his supporters will be forced from power, but few offer specific, credible timetables for a resolution to the crisis. Further escalation in fighting or swift regime change could jeopardize the security of chemical and conventional weapons stockpiles, threaten minority groups, or lead to wider regional conflict.

Opposition forces are formidable, but regime forces, backed by Hezbollah fighters and Iranian and Russian material support, have initiated successful tactical counteroffensives in recent weeks. The Syrian military continues to use air strikes, artillery, and pro-government militias in punishing attacks on areas where rebels operate. Some members of Syria's Sunni Arab majority and of ethnic and sectarian minority groups view the conflict in communal, zero-sum terms. U.S. officials believe that fighting would likely continue even if Asad were toppled.

Amid extensive damage to major urban areas and reports attributing war crimes to government and opposition forces, the fighting has created a regional humanitarian emergency. Some estimates suggest more than 90,000 Syrians have been killed since unrest began in March 2011. As of June 14, more than 1,638,102 refugees had fled Syria amid United Nations projections the total may reach 3.5 million by year's end. According to U.N. estimates, as many as 4.25 million Syrians may be internally displaced. U.N. agencies have launched their largest ever humanitarian assistance appeal—seeking \$4.4 billion for the Syria crisis in 2013. The United States has provided more than \$513 million in humanitarian assistance to date.

President Obama and his Administration have been calling for Asad's resignation since August 2011, and have pressed the United Nations Security Council to condemn the Syrian government. The United States has recognized the National Coalition of Revolution and Opposition Forces (SC) as the legitimate representative of the Syrian people and has provided nonlethal assistance to the Coalition and an affiliated Supreme Military Council (SMC). The Obama Administration believes that a negotiated political settlement is required and has prepared military plans to secure Syria's stockpiles of chemical weapons, if necessary.

Some observers advocate for more robust civil and military aid to the SC and SMC as a means of forcing the Asad regime to the negotiating table. Opponents of this approach argue that making opposition groups more formidable could intensify the fighting and risks empowering extremists. Some armed opposition factions, including powerful Islamist coalitions, reject negotiation.

After two years of unrest and violence, the central question for policy makers remains how best to bring the conflict in Syria to a close before the crisis consigns the region to one of several destructive and destabilizing scenarios. The human toll of the fighting, and the resulting political, ethnic, and sectarian polarization, all but guarantee that political, security, humanitarian, and economic challenges will outlast Asad and keep Syria on the U.S. agenda for years to come.

Contents

Assessment	1
Status of Ongoing Armed Conflict	2
Possible Questions for Congressional Oversight on Recent Events.....	4
Key Developments.....	8
Debating the Expansion of U.S. Civilian and Military Assistance.....	8
International Conference on Syrian Political Settlement.....	11
Can the Syria Civil War be Stopped?	12
Status of the Syrian Political Opposition.....	12
Al Qaeda, Extremism, and Foreign Fighters	14
U.S. Policy and Issues for Congress.....	9
The Syria Uprising and Civil War: U.S. Response, 2011-Present.....	9
Debating U.S. Intervention.....	12
U.S. Assistance	13
Securing Syrian Weapons Stockpiles	15
Outlook and Future Policy Considerations for Congress	18
Possible Appropriations and Authorization Issues	18
Securing Weapons Supplies and Sites.....	19
Addressing Syria's State Sponsor of Terrorism Status	20
Other Questions for Congressional Oversight.....	21

Figures

Figure 1. Map of Syria: Conflict and Basic Data.....	5
Figure 2. Syrian Opposition Groups: Relationships and Factions	16
Figure 3. Profiles of Select Opposition Groups and Militias.....	7
Figure 4. Profiles of Select Opposition Groups and Militias.....	8

Tables

Table D-1. U.S. Sanctions Against Syria in 2011-2013	35
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Appendixes

Appendix A. Syria Legislation in the 113 th Congress	23
Appendix B. Syria Legislation in the 112 th Congress	25
Appendix C. Chronology of United Nations Action on Syria	30
Appendix D. U.S. Sanctions on Syria.....	33

Contacts

Author Contact Information.....	45
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Assessment

The conflict in Syria poses increasingly complex and difficult policy questions for Congress and the Obama Administration. The popular-uprising-turned-armed-rebellion against the Asad regime is in its third year, and seems poised to continue, with the government and a bewildering array of militias locked in a bloody struggle of attrition. Al Qaeda affiliates and other violent extremists, including foreign fighters, have assertively demonstrated their presence in Syria. On the other hand, after suffering a series of setbacks, Syrian government forces, aided by Iran, Hezbollah, and Russia,¹ have reclaimed some territory in the areas around Damascus and the city of Homs. The Syrian government continues to launch indiscriminate attacks on rebel-held areas and has stated its willingness to use its unconventional weapons in the event of foreign military intervention. As of early June 2013, United Nations officials have cited estimates that as many as **4.25 million** Syrians have been displaced inside the country. As of mid-June 2013, there are more than **1.6 million** Syrian refugees in neighboring countries.

Recent developments in the conflict, including the U.S. intelligence community's conclusion that Syrian government forces have used sarin nerve gas in limited attacks, have led the Obama Administration to offer more civilian and military support to the opposition. On June 13, a White House statement relayed the U.S. intelligence community's judgment that "the Assad regime has used chemical weapons, including the nerve agent sarin, on a small scale against the opposition multiple times in the last year."² The statement further said that

the President has augmented the provision of non-lethal assistance to the civilian opposition, and also authorized the expansion of our assistance to the Supreme Military Council (SMC)... the Assad regime should know that its actions have led us to increase the scope and scale of assistance that we provide to the opposition, including direct support to the SMC. These efforts will increase going forward.

Unnamed officials cited in subsequent press reports have indicated that such assistance may be provided under intelligence authorities by the Central Intelligence Agency and include small arms, ammunition and the possible provision of anti-tank weapons and training.³ Other reports further suggest that related plans call for rebels to be armed in Jordan and for a limited no-fly zone to be enforced from Jordan to create a safe zone where training can occur there and in southern Syria.⁴ As of June 14, no official comments or public documents have confirmed those reports. An ongoing U.S. and allied military exercise in Jordan has brought Patriot missile batteries, F-16 fighters, F-18 fighters, and the 26th Marine Expeditionary Unit to Jordan that could be used to protect Jordanian airspace and territory from attack.⁵ Some Members of Congress have

¹ Section 1295 of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, required the Administration to provide a report within 90 days of enactment on Russian military assistance to Syria. For more information, see CRS Report RL33407, *Russian Political, Economic, and Security Issues and U.S. Interests*, coordinated by Jim Nichol.

² Statement by Deputy National Security Advisor for Strategic Communications Ben Rhodes on Syrian Chemical Weapons Use, June 13, 2013.

³ Mark Mazzetti, Michael R. Gordon and Mark Landler, "U.S. Is Said to Plan to Send Weapons to Syrian Rebels," *New York Times*, June 13, 2013.

⁴ Adam Entous and Julian E. Barnes, "U.S. Stepping Up 'Military Support' to Syrian Rebels," *Wall Street Journal*, June 13, 2013.

⁵ Hendrick Simoes, "US participating in international Eager Lion exercise in Jordan," *Stars and Stripes*, June 12, 2013.

been calling for increased support to the opposition, including the provision of arms to vetted units, while others have opposed and warned of the unpredictable consequences of deeper U.S. involvement. Proposed legislation before the 113th Congress alternately seeks to authorize or restrict U.S. actions in Syria (see **Appendix A**).

The Administration's decision to offer increased support to the opposition and the regime's Hezbollah-backed counteroffensive come in the midst of a diplomatic initiative aimed at bringing Syrian combatants to the negotiating table. In May 2013, Secretary of State John Kerry renewed joint U.S.-Russian efforts to broker a political settlement, returning to a Russian-backed proposal known as the Geneva Final Communiqué, an agreement reached by the five permanent members of the United Nations Security Council in June 2012. The Geneva Communiqué broadly outlined a path toward a transitional government with executive authority formed by mutual consent in negotiations between the Syrian government and the Syrian opposition. This agreement did not specifically prohibit any member of the Asad regime, including President Asad himself, from serving in such a transitional government despite U.S. and other repeated calls for his resignation.

The National Coalition of Syrian Revolutionary and Opposition Forces (Syrian Coalition or SC) has said that it welcomed "all international efforts calling for a political solution, which will achieve the aspirations of the Syrian people for a democratic state that begins with the removal of the Asad regime." However, members of the SC and many armed groups in Syria continue to demand that President Asad and other senior figures have no role in any transition. SC officials and armed Syrian opposition groups also have pushed for assurances of foreign military support before negotiations would begin and have amplified those demands in response to the regime's counteroffensives. According to one SC official, "We're not going to sit at the table while Assad continues to kill, supported by Russia and Hezbollah.... What we are asking for is arming the Free Syrian Army (FSA) or SMC—before the talks."⁶ SMC commander General Salim Idriss reportedly submitted a detailed request for ammunition, anti-tank weaponry, and anti-aircraft weaponry to oppose regime counterattacks in recent days.⁷

With the Asad regime still entrenched in a number of strongholds and able to use limited but indiscriminate air, artillery, and missile power against rebel-held areas, the death toll, which may now exceed 90,000, continues to climb. Recent sectarian atrocities and Hezbollah's intervention on the side of the Asad regime are amplifying the risks of broader civil and regional conflict. If continued, these trends could produce greater regional intervention or result in greater displacement of Syrian civilians as communities seek to relocate and consolidate for protection.

Status of Ongoing Armed Conflict

As of June 2013, the armed conflict in Syria shows no signs of abating. In fact, recent gains by government forces appear to have bolstered the regime's confidence. Although many observers, including U.S. intelligence officials, predicted that government forces would continue to lose ground, a change in regime tactics coupled with an infusion of foreign assistance appears for the time being to have stemmed rebel advances. Some observers have speculated openly about the potential for the opposition's defeat if their recent reversals continue. The Asad regime benefits

⁶ "Syrian rebels demand weapons before talks," *Washington Post*, May 16, 2013.

⁷ Adam Entous and Julian E. Barnes, "Rebels Plead for Weapons in Face of Syrian Onslaught," *Wall Street Journal*, June 12, 2013.

from advantages in air power, armored equipment, and artillery. It displayed more sophisticated military tactics and incorporated Hezbollah fighters in its recent campaign to reclaim the strategically important town of Qusayr (alt.sp. Qusair) located six miles from the Lebanese-Syrian border. Qusayr is at a crossroads linking Damascus to the Alawite-controlled Mediterranean coast.

Regime control of Qusayr may allow government forces to launch a new offensive against the city of Homs, which is still partially controlled by rebel forces. Opposition control of Qusayr had been crucial for receiving shipments of weapons from Lebanon. Government forces and Hezbollah launched their offensive to retake Qusayr on May 19, as various unsubstantiated claims estimate that the number of Hezbollah fighters now in Syria number anywhere between 2,000-5,000 gunmen. Elsewhere, the regime continues to use irregular Alawite militias to support military operations, some of which have committed atrocities against mainly Sunni civilians.

Opposition forces still control substantial areas of northwestern, eastern, and southern Syria. The broad grouping of forces opposing Asad's regime includes a multitude of local militias; army defectors; and volunteers fighting in brigades that are organized under the banner of the Free Syrian Army and various armed Islamist coalitions. Some of these groups include foreign fighters. Islamist militia groups; Free Syrian Army brigades; and local fighters in different cities, continue to operate relatively independently. Several leading opposition groups hold divergent and potentially contradictory goals for the country's political future. Groups with divergent priorities now control different areas. Islamist fighters, including the Al Qaeda-affiliated Jabhat al Nusra (Support Front), captured the city of Ar Raqqa (Raqqa) in March 2013. Kurdish forces control areas of northeastern Syria, and some Kurds have clashed with Arab Islamists.

As death tolls have spiraled, both sides have adopted brutal tactics. In many areas, the regime has resorted to the use of air power, Scud missile strikes, and indiscriminate shelling of entire population centers, as part of a strategy to leave rebels with damaged physical infrastructure and a resentful population. A June 2013 report by a United Nations Human Rights Council Independent International Commission of Inquiry on Syria found that government forces and regime-affiliated militia have committed "War crimes and gross violations of international human rights law - including summary execution, arbitrary arrest and detention, unlawful attack, attacking protected objects, and pillaging and destruction of property."⁸ The report also documents human rights violations by the opposition, though it notes that "the violations and abuses committed by anti-Government armed groups did not, however, reach the intensity and scale of those committed by Government forces and affiliated militia."

These crimes have intensified as Syria's civil war has taken on an increasingly sectarian dimension. In many areas, Alawite-led security forces and allied militia such as Jaysh al Shaabi (Popular Army) are engaged in combat with predominantly Sunni rebel militias. Some of these Sunni militias are becoming more radicalized and aligned with extremist groups such as Ahrar al Sham (the Free Ones of the Levant) or the Nusra Front. The Obama Administration has designated as terrorist groups both the Popular Army and the Nusra Front pursuant to terrorism and Syria-related sanctions legislation and executive orders. In early April, the Al Qaeda affiliated Islamic State of Iraq announced its merger with the Nusra Front, but a Nusra leader reportedly rejected the claim and pledged allegiance to Al Qaeda leader Ayman al Zawahiri. Zawahiri in turn

⁸ U.N. Document A/HRC/23/58, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, June 4, 2013.

has instructed the groups to refrain from rivalry and continues to encourage foreign fighters to travel to Syria and calls on Muslims to offer material support to armed jihadist groups in Syria.

Over time, Syria's conflict has become more complex. Sporadic clashes have broken out within the ranks of the armed opposition and allegedly within the tight-knit Alawite community. Violence also has spilled over to varying degrees into neighboring states, such as Israel, Turkey, Iraq, Jordan, and Lebanon. Many observers are concerned that the country is descending into anarchy. If current trends hold, fighting may gradually turn from a two-sided war into a contest involving multiple combatants from armed ethnic/sectarian communities, rebel militias, and remnants of the old regime. External intervention, including Hezbollah and Iranian support for Assad and increased U.S. support for select opposition forces, may invite a cycle of counter-intervention from other parties.

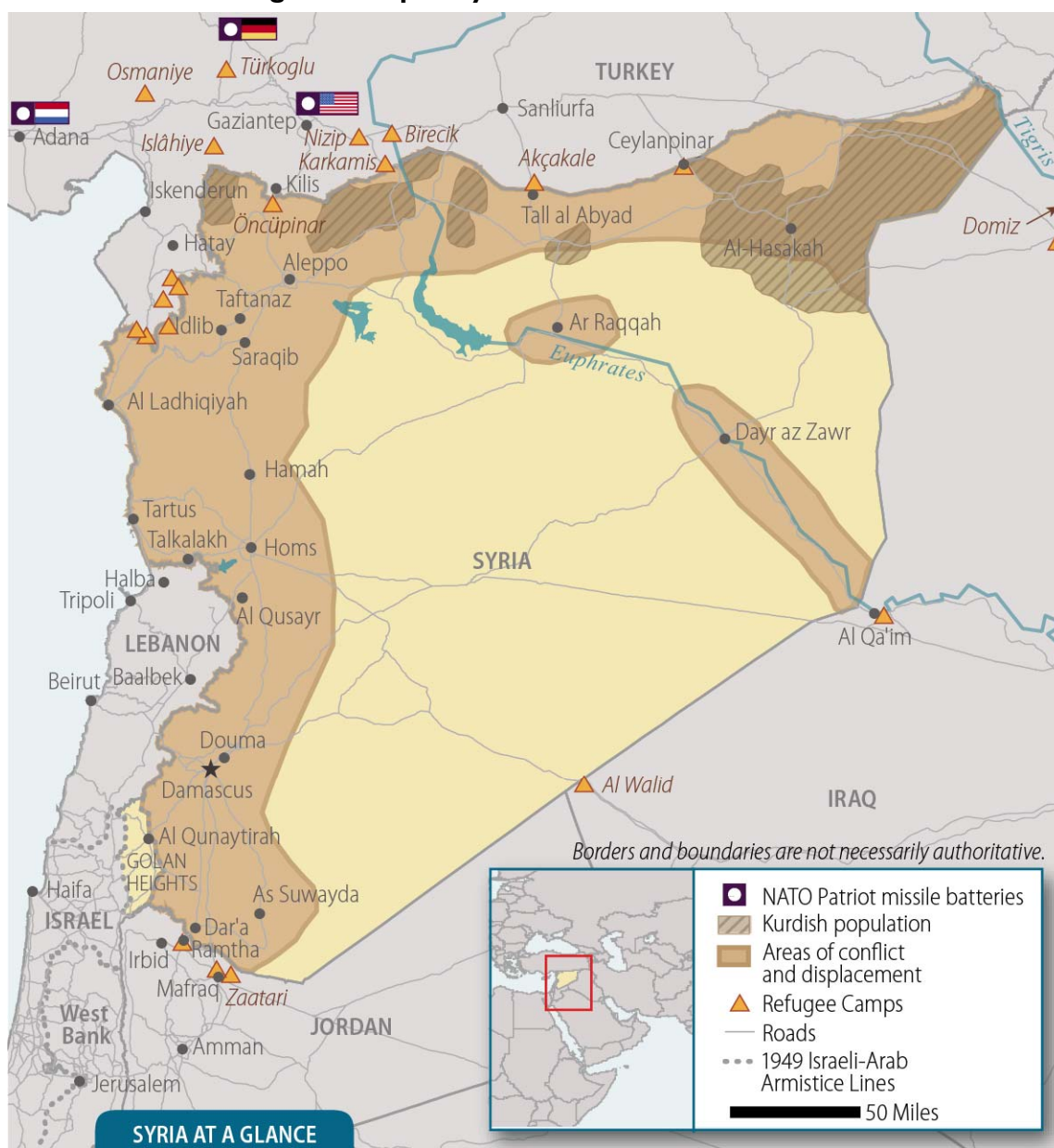
In sum, the short-to- medium-term security outlook for Syria and its neighbors is not positive. The United States and other third parties face difficult choices with limited potential to shape the overall outcome.

Possible Questions for Congressional Oversight on Recent Events

With White House statements and press reports suggesting that U.S. involvement is set to increase in the Syrian conflict, Members of Congress may wish to explore a range of strategic, political, military, and fiscal issues as they conduct oversight and authorize and appropriate funds that support U.S. policy. Possible questions include the following.

- What specific types of increased support will be provided, with which resources, and under which authorities? Who is receiving U.S. assistance, who may receive it in the future, and what mechanisms are in place to ensure that U.S. assistance is put to its intended use and does not benefit the Asad regime or extremist groups? Should Congress seek to shape the provision of such assistance now or in the future by enacting specific authorizing or appropriating language? Why or why not?
- What further contributions, if any, should the United States make to international humanitarian relief efforts in response to the United Nations appeal for billions of dollars more in funding for 2013 alone? Should the United States seek to expand the recognition it receives among Syrians for its support? What might the costs of further humanitarian assistance be under various scenarios and what funding is currently available to respond?
- What are the estimated costs of the current deployment of U.S. anti-ballistic missile batteries and other forces to the region? Over what periods of time might current operations continue? What would more robust operations cost and what funds and other resources are available?
- How might the Asad regime and its allies respond politically and militarily to increased U.S. support for the Syrian opposition? What degree of support and protection is the United States prepared to provide to regional allies who may become involved in facilitating the delivery of increased U.S. support, including military material and training, to the Syrian opposition? If the Syrian military were to attack regional U.S. allies, how should the United States respond?

Figure 1. Map of Syria: Conflict and Basic Data



Land Area: 185,180 sq km* (slightly larger than North Dakota) *includes 1,295 sq km of Israeli-occupied territory

Population: 22,530,746 (July 2012 est.)

Religions: Sunni Muslim 74%, other Muslim (Alawite, Druze, Shiite) 16%, Christian (various denominations) 10%, Jewish (very small communities in Damascus, Al Qamishli, and Aleppo)

Ethnic Groups: Arab 90.3%, Kurds, Armenians, Circassians and other 9.7%

GDP (PPP, growth rate): 107.6 billion, -2% (2011 est.)

GDP per capita: \$5,100 (2011 est.)

Budget (spending): \$18.31 billion (2011 est.)

Literacy (total, male/female): 79.6%, 86%/73.6% (2004 census)

Oil and Natural Gas reserves: 2.5 billion barrels, 6.19 billion cubic meters

Oil production: 230,000 barrels per day (June 2012 estimate, production reduced to match domestic refinery capacity)

Source: CRS. Map produced by Hannah Fischer and Beth Roberts using data from Esri Basemaps, 2012; Good Shepard Engineering & Computing, 2008; U.S. Department Humanitarian Information Unit, Syria Refugee Database, October 2012; Map Projection: Winkel II; Date: November 29th, 2012. Data sources: CIA World Factbook, Platts Commodity News.

Syria's Neighbors: Implications and Involvement

The Syrian conflict continues to encroach upon Syria's neighbors. In addition to the issue of refugees entering neighboring countries, Syrian government forces have exchanged fire with the Turkish and Israeli militaries and have fired into Lebanon. Armed opposition elements have targeted United Nations peacekeepers in the Golan Heights and reportedly have fired on Israeli military positions. Sectarian violence in Lebanon and Iraq has increased.

In **Turkey**, Prime Minister Erdogan has adopted a strong stance against the Syrian regime. Turkey has supported and hosted elements of the Syrian political and military opposition. It has coordinated its efforts closely with other countries—including the United States, other NATO allies, and Arab countries such as Saudi Arabia and Qatar—that also provide political, financial, and/or material support to the opposition. As of June 11, 2013, Turkey had 380,650 Syrian refugees registered or awaiting registration. Turkey has established several refugee camps in the provinces of Hatay, Sanliurfa, and Gaziantep. NATO deployed Patriot PAC-3 surface-to-air missile defense systems to defend Turkish territory from attack. Turkish officials have stressed that any missile systems deployed will be used for missile defense purposes only.

In **Lebanon**, the war next door is severely straining the political system and fueling sectarian violence. In March 2013, Sunni Prime Minister Najib Mikati resigned in frustration, as tensions over Syria had led to disputes between Mikati and Hezbollah. His successor, former Minister of Culture Tammam Salam, has pledged to keep Lebanon neutral and “ward off the risks brought by the tragic situation in the neighboring country.” However, a spate of sectarian-motivated kidnappings has recently taken place, and some Saudi-backed Lebanese Sunnis and Iranian-backed Lebanese Shiites smuggle weapons to Syrian opposition and Syrian regime forces respectively. Iran and Hezbollah appear to be working to ensure that Iranian supply routes to Hezbollah remain open regardless of what happens to the Asad regime. Hezbollah Secretary General said on May 25 that Hezbollah would act to defend its interests in Syria and challenged those supporting the opposition to fight in Syria rather than in Lebanon. As of June 12, 2013, 525,008 Syrian refugees had registered or sought to register with the United Nations in Lebanon.

In **Israel**, the government fears a variety of possible security threats from the fighting in Syria, including: the possible use of chemical weapons against Israel or their seizure by/transfer to terrorist groups, and fighting spilling over the border into the Golan Heights. The Syrian-Golan border has recently witnessed increased regime-rebel confrontations, and Israeli forces have been targeted by mortar shells and machine-gun fire. Israel recently deployed an Iron Dome anti-rocket system to the northern part of the country. Recent rebel gains along the Golan border raise questions as to the ideologically diverse groups' intentions toward Israel should they continue to hold territory.

In **Iraq**, Sunni and Shiite Arabs and Iraqi Kurds appear to be supporting opposing sides of the Syrian conflict. Iraq's government aims to avoid a return to sectarian warfare and avoid ethnic conflict with the Kurdistan Regional Government, but leaders in Baghdad have refused to call for Asad's ouster and have been accused by U.S. officials of allowing Iranian arms shipments to Syria to cross Iraqi territory and airspace. Media accounts report that Iraqi Sunni Islamists and tribesmen are crossing into Syria to fight alongside various opposition militias, and Iraqi Shiite militias are joining Asad regime forces. Many analysts fear that Al Qaeda in Iraq (AQ-I) also has been active in the Syrian civil war, supporting and training Sunni extremist groups in Syria, and the U.S. government designated Al Nusra Front as a terrorist group on the basis of its relationship to AQ-I. In March 2013, dozens of Syrian regime troops who had crossed into Iraq for medical treatment were attacked by unidentified gunmen who killed at least 40 Syrian soldiers. As of June 12, 2013, 159,196 Syrian refugees had registered with the United Nations in Iraq.

In **Jordan**, refugee flows are placing tremendous strains on the government. As of June 13, 2013, approximately 479,429 Syrian refugees had registered or were awaiting registration. Za'atri refugee camp, which is in northern Jordan east of the town of Mafraq, opened in July 2012. By some estimates, the camp is now the fourth largest urban area in Jordan with a population of more than 80,000. From a security standpoint, reports indicate that Jordanians with Salafi-Jihadi beliefs are crossing into Syria to join extremist rebel factions. Just as the violence in Syria is affecting Jordan, the Jordanian government also may be indirectly aiding certain parties to the conflict. Several European press reports allege that Jordan is serving as a conduit for weapons purchased by the Gulf countries from Croatia to rebel factions that are loosely associated with the Free Syrian Army/Supreme Military Council. The government of Jordan denies any covert involvement either in supplying armaments or training rebel forces. Syrian officials have warned Jordan concerning support for rebel fighters. U.S. military planners have been deployed to Jordan, and U.S. cooperative threat reduction assistance is strengthening Jordanian border monitoring capabilities. Any U.S. plans to provide direct military assistance to Syrian opposition fighters in or through Jordan could require greater U.S. security guarantees or military protection for Jordan.

Historical Background and Syria's Diverse Population

Long before the current uprising, Syrians struggled with many of the challenges that have bred deep dissatisfaction in other Arab autocracies, including high unemployment, high inflation, limited upward mobility, rampant corruption, lack of political freedoms, and repressive security forces. These factors have fueled opposition to Syria's authoritarian government, which has been dominated by the Baath (Renaissance) Party since 1963, and the Al Asad family since 1970. President Bashar al Asad's father—Hafiz al Asad—ruled the country from 1970 until his death in 2000.

The Syrian population, like those of several other Middle East countries, includes different ethnic and religious groups. For years, the Asad regime's strict political controls prevented these differences from playing a divisive role in political or social life. A majority of Syrians, roughly 90% of the population, are ethnic Arabs; however, the country contains small ethnic minorities, notably Kurds, the country's largest distinct ethnic/linguistic minority (7%-10% of the total population). Of more importance in Syria are religious sectarian differences. In addition to the majority Sunni Muslims, who comprise over 70% of the population, Syria contains several religious sectarian minorities, including three smaller Muslim sects (Alawites, Druze, and Ismailis) and several Christian denominations. The Asad family are members of the minority Alawite sect (roughly 12% of the population), which has its roots in Shiite Islam.

Despite the secular nature of the ruling Baath party, religious sects have been important to some Syrians as symbols of group identity and determinants of political orientation. The Asads and the Baath party have cultivated Alawites as a key base of support, and elite security forces have long been led by Alawites. The government violently suppressed an armed uprising led by the Muslim Brotherhood in the early 1980s, killing thousands of Sunni Muslims and others.

Religious, ethnic, geographic, and economic identities overlap in influencing the views and choices of Syrians about the current conflict. Within ethnic and sectarian communities are important tribal and familial groupings that often provide the underpinning for political alliances and commercial relationships. Socioeconomic differences abound among farmers, laborers, middle-class wage earners, public sector employees, military officials, and the political and commercial elite. Many rural, less advantaged Syrians have supported the opposition movement, while urban, wealthier Syrians appear to have mixed opinions. Local attachments also shape Syrian society, as seen in rivalries between Syria's two largest cities of Damascus and Aleppo, in differences between rural agricultural communities and urban areas, and in the concentration of some sectarian and ethnic communities in discrete areas. Despite being authoritarian, Syrian leaders over the years often found it necessary to adopt policies that accommodate, to some degree, various power centers within the country's diverse population and minimize the potential for communal identities to create conflict.

That need is likely to remain, if not intensify, after the current conflict. While sectarian considerations cannot fully explain power relationships in Syria or predict the future dynamics of the uprising, there are indications that as the fighting continues sectarian and ethnic divisions are growing among Syrians. The Sunni Arab majority has been at the forefront of the protest movement and armed opposition to the Alawite-led regime, with Syria's Christians and other minority groups caught between their parallel fears of violent change and of being associated with Asad's crackdown. The Alawite leadership of the Syrian government and its allies in other sects perceive the mostly Sunni Arab uprising as an existential threat to the Baath party's nearly five-decade hold on power. At the popular level, some Alawites may feel caught between the regime's demands for loyalty and their fears of retribution from other groups in the event of regime change or a post-Asad civil war.

Some Sunni Arabs may view the conflict as a means to assert their community's dominance over others, but some Sunni opposition leaders have sought to assuage these concerns. The opposition Syrian National Council (SNC, see below) released a statement in February 2012 stating that its members "consider members of the Alawite sect to be an essential element of Syria's cultural and ethnic fabric. The Alawites remain an important component of Syria, and will continue to enjoy the same rights as other citizens as we build one nation of Christians, Muslims, and other sects."⁹ Others have pledged that orderly trials and the rule of law will prevail in any post-conflict setting. However, reports of abuses suggest that rebel leaders at times are unable or unwilling to ensure that such sentiments prevail.

While some Kurds view the conflict as an opportunity to achieve greater autonomy, others are wary of supporting Sunni Arab rebels who, should they come to power, may be no less hostile to Kurdish political aspirations than the Asad government. Some members of Syria's various Christian communities fear that the uprising will lead to a sectarian civil war and that they could be subjected to violent repression, given that Muslim extremist groups have targeted Iraqi Christians since the U.S. invasion of Iraq in 2003. Other Christians reportedly are assisting the armed opposition, including locally active militias and elements of the Free Syrian Army.

⁹ SNC Press Release, "SNC Extends Hand to Alawite Community in Syria," February 26, 2012.

Key Developments

Debating the Expansion of U.S. Civilian and Military Assistance

Given widespread humanitarian suffering inside Syria, the spillover of the conflict into neighboring states such as Israel, Turkey, Lebanon, and Jordan, and the Asad regime's limited use of chemical weapons, the Administration and Congress are now considering the expansion of U.S. civilian and military assistance to Syrians in need and to opposition forces. In the 113th Congress, some Members have introduced proposed legislation that would authorize expanded humanitarian assistance and could expand the U.S. military role in the conflict.

- H.R. 1327, the Free Syria Act of 2013, would, among other things, authorize the President, under certain conditions and with various reporting and certification requirements, to supply nonlethal and/or lethal support to opposition groups in Syria. The House Foreign Affairs Committee has not yet proceeded with a mark-up of the bill.
- S. 960, the Syria Transition Support Act of 2013, would, among other things, authorize the President, notwithstanding any other provision of law that restricts assistance to Syria, to provide assistance, including defense articles, defense services, and training to vetted opposition forces. S. 960 also would grant broad authority to provide humanitarian assistance to the Syrian people and authorize the creation of a \$250 million Transition Fund to provide security, transitional justice, democracy building, and governance capacity building support now in preparation for a post-Asad transition. The Senate Foreign Relations Committee approved S. 960 as amended by a 15-3 vote in May 2013.

To date, the Administration, in consultation with Congress, has relied upon reprogrammed appropriated funds and a range of existing emergency contingency authorities to provide assistance to the unarmed and armed Syrian opposition. A thicket of pre-existing U.S. sanctions on Syria and the tight prevailing fiscal environment have required the President to seek authority to provide assistance notwithstanding other provisions of law and to seek congressional approval for the reallocation of funds appropriated for non-Syria related priorities. A further expansion of U.S. assistance may require the Administration and Congress to identify dedicated sources of funding to support Syria-related operations. It may prove more challenging to resolve thorny questions about sanctions-based restrictions on assistance and the precedents involved in offering direct support to non-state actors involved in a foreign civil war.

Should Congress authorize and the Administration ultimately provide overt military assistance to elements of the armed Syrian opposition, the Supreme Military Council could be one of the primary beneficiaries of U.S. lethal aid. In December 2012, a number of brigades nominally affiliated themselves under the umbrella of a Supreme Military Council (SMC) headed by **General Salim Idriss**, a former Asad regime military commander who defected. The SMC seeks to administer regional commands with affiliated units nominally reporting through a chain of command to General Idriss. Idriss has yet to assert operational control over all affiliated units, and opposition figures argue that only through the provision of assistance and SC/SMC control over the disposition of such assistance will the SMC be able to assert such control. Many of these brigades are receiving support from Arab Gulf states such as Qatar and Saudi Arabia, two countries that along with the United States played a key role in facilitating the creation of the

SMC. The availability of multiple sources of support allows units to maintain independence and play various patrons off against one another.

General Salim Idriss

General Salim Idriss is currently the Chief of Staff to the armed opposition Supreme Military Council. The 55-year-old Brigadier General defected from the Syrian Army in July 2012 after dozens of his family members reportedly were killed by government forces in the city of Homs. Educated in East Germany, Idriss had been the dean of the Aleppo military engineering academy before his defection. Within the Syrian opposition, he is considered more of a political figure than a respected military commander. He routinely appeals for outside funding and material support to secure the loyalty of various commanders and militias.

In the ever-changing landscape of the armed Syrian opposition, Western officials have deemed SMC commanders to be more moderate in their political views than their more Islamist counterparts, although the SMC itself includes Islamist units and commanders. Although General Idriss was careful at first not to openly distance the SMC from more extreme factions of the opposition,¹⁰ such as Jabhat al Nusra, recently he stated that “We don’t work with Nusra. We don’t share anything with them.” However, the SMC has incorporated some members of the Syrian Islamic Liberation Front,

an Islamist coalition, into its structure. SMC members also reportedly coordinate on the battlefield with the Syrian Islamic Front, a group that includes an extremist militia known as Ahrar al Sham.¹¹

Most observers believe that General Idriss does not exercise daily command and control over all SMC-affiliated soldiers. Instead, individual commanders who have affiliated with the SMC have done so on the assumption that their support would be rewarded militarily and financially, but have maintained control of their own forces. According to General Idriss, “Fighters go to where there is money and weapons and if I had the means ... within one or two months everyone would join.... They will know that this is a national institution while the brigades and battalions will eventually disappear.”¹²

Overall, General Idriss has requested that the United States train elite rebel units for special operations and chemical weapons security¹³ and provide his forces with advanced weaponry such as anti-aircraft missiles. With regard to such requests, Israel’s Ambassador to the United States, Michael Oren, recently advocated for careful vetting any lethal aid to Syrian rebels, saying “If it were decided to provide lethal assistance, we ask that those groups be carefully vetted.”¹⁴ Israel may fear that man-portable anti-aircraft equipment could fall into terrorist possession and be used to target Israeli civilian and military aircraft.

Though General Idriss has received the bulk of Western media attention, his role within the opposition remains unclear. Some experts believe that should the United States and other Western states send lethal aid to Syrian rebel groups, such assistance should be channeled through the Syrian political opposition, namely the Syrian Coalition. Recent shipments of U.S. non-lethal and humanitarian aid, such as “meals ready to eat” (MREs) and combat medical kits, have been

¹⁰ See, Open Source Center Report, “Analysis: Syria—Armed Opposition Council Unlikely To Exclude Al-Nusrah,” Document ID# GMF20121217425001, December 17, 2012.

¹¹ “Islamist Rebels Create Dilemma on Syria Policy,” *New York Times*, April 27, 2013.

¹² “West pins hopes on Syrian general,” *Financial Times*, April 22, 2013.

¹³ “What path now for Syria?” *Washington Post*, February 12, 2013.

¹⁴ “Oren: Vet rebel groups before giving them lethal aid,” *Jerusalem Post*, May 2, 2013.

delivered to “liberated” areas of northern Syria bearing the SMC symbol on the packaging.¹⁵ U.S. Ambassador to Syria Robert Ford traveled to northern Syria to meet with Idriss and deliver aid to the SMC and remarked that, “We understand that humanitarian assistance is insufficient. At the same time, substantive assistance is being given to the Free Syrian Army in its fight against the regime.”¹⁶

Overall, many observers believe that while the SMC may be far from an ideal U.S. partner, given the complexity, disunity, and elements of extremism within the Syrian armed opposition, the SMC may be the only potential U.S. partner available for now. According to one unnamed U.S. source, “Idriss says and does the right things.... We believe he is genuine. Are there concerns? Yes, but what are the options?”¹⁷ In testimony before Congress, Ambassador Ford said that “Supreme Military Council (SMC) Chief of Staff General Idriss and those under his command have demonstrated a commitment to a tolerant and inclusive vision of Syria.”¹⁸

In recent months, General Idriss has attempted to align his views with what he perceives to be U.S. priorities in the region. He has said the following:

- On Syria’s chemical weapons stockpiles: “Our future Free Syria will not need weapons of mass destruction.”¹⁹
- On brokering a political settlement: “Even if an official invitation is sent to us as rebels and fighters, we might accept to hold negotiations with some of the representatives of the regime only under specific and clear conditions, namely, announcing in advance [Asad’s] resignation, head of the gang of killing and crimes and stepping down from presidency; putting all the commanders of the security agencies on trial; putting the criminal commanders of the army, who gave orders to shell the Syrian cities and citizens, on trial; immediately halting all the military operations and withdrawing the military units to their barracks; halting the air strikes; and halting the firing of surface-to-surface missiles at the Syrian cities in the north and at our steadfast people in all the areas in Syria.”²⁰
- On Hezbollah involvement in Syria: “If Hezbollah does not stop shelling the Free Syrian Army and the Syrian villages from the Lebanese territories, we declare our right to defend ourselves, and we will reply to the sources of firing,”²¹ and “If the attacks of Hezbollah against Syrian territory do not stop within 24 hours, we will take all measures to hunt Hezbollah, even in hell. I will no longer be bound by any commitments I made, if a decision to stop the attacks... is not taken and implemented.”²²

¹⁵ “U.S. delivers first aid shipment to Free Syrian Army,” *Foreignpolicy.com*, May 1, 2013.

¹⁶ “US envoy holds border talks with rebels: US,” *Agence France Presse*, May 10, 2013.

¹⁷ “Obama bets big on Syrian rebel leader,” *Washington Post*, May 1, 2013.

¹⁸ Statement of Robert Ford U.S. Ambassador to the Syrian Arab Republic U.S. Department of State, Committee on Senate Foreign Relations, April 11, 2013.

¹⁹ *Washington Post*, May 1, 2013, op. cit.

²⁰ OSC Report GMP20130226644002, “Orient TV: FSA Commander Sets Conditions for Negotiations with Syrian Regime,” *Orient Channel Television* (Dubai), February 25, 2013.

²¹ OSC Report GMP20130222825004, “Free Syrian Army Says It Has Shelled Hizballah’s Positions inside Lebanon,” *Al-Sharq al-Awsat* (London), February 22, 2013.

²² *Naharnet* (Beirut), “SA Chief of Staff Gives Lebanon 24-Hour Ultimatum to Stop Hezbollah Intervention in Syria,” (continued...)

International Conference on Syrian Political Settlement

In parallel with reports of a pending expansion of assistance to the opposition, President Obama and his Administration have reiterated that U.S. policy toward the Syrian civil war is aimed at achieving a negotiated outcome to the conflict. On June 13, Deputy National Security Advisor Rhodes said:

Any future action we take will be consistent with our national interest, and must advance our objectives, which include achieving a negotiated political settlement to establish an authority that can provide basic stability and administer state institutions; protecting the rights of all Syrians; securing unconventional and advanced conventional weapons; and countering terrorist activity.

On May 7, Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov announced that the United States and Russia would cooperate to convene an international conference to reach a political settlement. U.N.-Arab League Joint Special Representative for Syria Lakhdar Brahimi, who had been rumored to be on the verge of resigning in frustration over the lack of momentum for negotiations,²³ responded favorable to the announcement.

No formal date for the conference has been set, and some reports have suggested it could occur sometime in July 2013. However, the recent announcements by the Obama Administration, the lifting of the European Union arms embargo on Syria, Hezbollah's intervention in support of Asad, and reports of Russian weapons shipments to Asad forces have created new questions about talks. Some analysts question the likelihood of the talks succeeding amidst continued fighting and more overt foreign intervention. Others suggest that clear outside support may give all parties the confidence they need to negotiate more successfully.

Recent tactical advances and the opposition's continued fragmentation and struggles appear to be renewing the Asad regime's confidence in its military position. Nevertheless, large areas of northern and eastern provinces, Idlib, Aleppo, Raqqah and Deir al Zour, are not under government control. The Syrian regime may believe that negotiations leading to potential power sharing with nationalist elements of the armed Syrian opposition may be an opportunity to regain at least a partial foothold in these lost provinces without sacrificing overall control over many state institutions.

As previously mentioned, the joint U.S.-Russian initiative is based on the June 2012 Geneva Final Communiqué. For the past year, Russia has insisted that any internationally-brokered negotiation be based on this agreement, which did not explicitly ban President Asad's participation in a transitional government despite U.S. and others' assurances that Asad would have no future role in governance.²⁴ The Syrian opposition has been divided over the question of

(...continued)

May 28, 2013.

²³ In February 2013, then-leader of the SC Mouaz al Khatib made a surprise announcement that he was willing to conditionally enter into negotiations with the Asad government. Khatib's initiative was rejected by elements within the Syrian opposition and was not matched by any serious Syrian government response. Khatib has since resigned his position.

²⁴ Days after the announcement of the U.S.-Russian initiative, Secretary Kerry stated that all sides were working to "effect a transition government by mutual consent of both sides, which clearly means that in our judgment President Assad will not be a component of that transitional government."

accepting Asad's removal from power as an outcome of a transitional process²⁵ versus insisting on Asad's removal as a precondition to any final settlement. Many different opposition leaders and their foreign backers (such as Turkey and Qatar) endorse Asad's removal as a precondition. Moreover, many observers are doubtful that hardline armed Islamist elements of the opposition would accept a negotiated settlement that included members of the current regime, especially Asad family members.

Can the Syria Civil War be Stopped?

Despite some international momentum to jumpstart peace talks, the situation on the ground may be too disconnected from outside diplomatic efforts to resolve the conflict. Even amid the speculation over possible negotiations, government regular and irregular forces continue to commit atrocities on the ground; they have not ceased as a good faith gesture. Instead, the Asad regime continues to paint the war as an existential conflict in which the government, as a protector of a secular, diverse state, is confronting extremists and foreign fighters bent on turning Syria into an Al Qaeda-controlled theocracy. In some respects, this strategy has been far more durable than initially believed, as the rise of Al Qaeda-affiliated groups like Al Nusra front have reinforced the government's narrative.

At the same time, armed opposition groups continue to be divided among themselves; various rebels are fighting for a variety of reasons ranging from protecting their community, to avenging their loved ones, to advancing a vision of a Sunni Islamist-led Syria. U.S. officials and Syrian opposition leaders acknowledge the difficulty that bringing these armed groups to a point of consensus on negotiation may pose (not to mention the challenge of reaching an actual settlement). They also acknowledge that the continuation of the armed conflict will further degrade Syrian society, displace and kill civilians, and risk a broader sectarian war, atrocities, and direct foreign intervention.

Status of the Syrian Political Opposition

The decentralized nature and divided views of key Syrian opposition forces, coupled with disputes between competing foreign patrons (such as Qatar and Saudi Arabia) of various opposition groups have hampered attempts to create a unified front against the Asad regime. Moreover, lack of opposition unity has tempered foreign support for their cause and slowed efforts to create an alternative Syrian government that could receive broad international recognition. Since unrest began in March 2011, no single leader or group has been able to fully establish itself as a universally supported representative of Syrians seeking to oust the Asad regime. Rivalries have developed between local leaders and exiles, among militia commanders on the ground, and between those who seek accommodation with elements of the existing government and those who seek to bring down the entire regime structure. Deep differences of opinion about the future of Syria lurk beneath the surface, with Islamist and secular activists at

²⁵ For example, in Yemen's internationally-brokered 2011-2012 transition, former President Saleh was granted immunity from prosecution and permitted to retain his role as head former ruling party. He stepped down after a 90-day transition period after which Yemen then held an election with only one candidate on the ballot, current President Abed Rabbo Mansour al Hadi.

odds, some Kurds seeking autonomy, and armed extremist groups empowering themselves on the ground.²⁶

The latest attempt to engineer a united opposition front came in October and November 2012, when the United States and others helped facilitate the creation of the National Coalition of Syrian Revolution and Opposition Forces (Syrian Coalition or SC, see **Figure 3** below). In pressing for an opposition coalition that would be more inclusive and legitimate, the United States, the Arab League, and other international actors have now extended recognition to the SC as “the legitimate representative of the Syrian people.” The United States has not recognized the SC as the government of Syria.

From late 2012 through April 2013, 52-year-old Ahmed Mouaz al Khatib, a Sunni Islamist opposition activist, served as SC President. He finalized his resignation in April, reportedly in frustration that the United States and others refuse to intervene militarily or overtly provide weaponry. Khatib willingness to negotiate with Syrian government figures was criticized within the SC, especially from members of the Syrian Muslim Brotherhood.²⁷

SC members met in Istanbul in mid-March 2013 and elected a Syrian-born U.S. citizen, **Ghassan Hitto**, to serve as the Interim Prime Minister of an opposition government to administer rebel held territory. **George Sabra** has replaced Khatib as SC president. Some opposition sources view Hitto as having been backed by Qatar, which has been accused of overly supporting Syrian Islamists at the expense of other Syrian figures.

Current policy debates focus on whether the SC is a credible partner and whether and how the United States should empower the SC to better coordinate humanitarian aid and the delivery of local services in order to increase its influence inside the country. U.S. officials and international assistance implementers report that the SC does not yet have the capacity to deliver assistance inside Syria, in spite of the recent establishment of its Assistance Coordination Unit (ACU). Instead, local revolutionary councils, relief committees, and the Syrian Arab Red Crescent often oversee the delivery of aid by third parties, with local councils taking responsibility for the reestablishment and provision of services. Persistent SC demands for more forceful intervention and robust lethal support have sought to increase the pressure on U.S. and European policy makers to revisit the limits they imposed on military support to the uprising.

In May 2013, Syrian opposition figures met in Istanbul, Turkey in attempts to expand SC membership to include more non-Islamist members and strengthen ties between political figures and the armed opposition. At the conclusion of the six-day meeting, George Sabra announced that 51 new members would be admitted to the SC, of which 15 are from the armed opposition. The conference was widely viewed as a diplomatic victory of sorts for Saudi Arabia, which has sought to limit Qatari support for Syrian Islamists and the Muslim Brotherhood. Of the 51 new members, at least 10 are political allies of Michel Kilo, a longtime Syrian dissident whose inclusion in the SC was backed by Saudi Arabia. However, though the SC managed to expand its membership, its days of infighting amidst simultaneous military setbacks on the ground for the opposition may have damaged its legitimacy in the eyes of some Syrians. The Syrian Revolution General Commission announced its withdrawal of support for the SC in the wake of the conference, alleging financial mismanagement and foreign interference.

²⁶ Yezid Sayigh, “The Syrian Opposition’s Leadership Problem,” Carnegie Middle East Center (Beirut), April 3, 2013.

²⁷ “Syrian Lawmaker Rejects Conditions for Peace Talks,” Associated Press, February 6, 2013.

Al Qaeda, Extremism, and Foreign Fighters

In early 2012, U.S. officials stated that the violence and disorder paralyzing Syria was creating opportunities for Al Qaeda operatives and other violent Islamist extremists to infiltrate the country and conduct or plan attacks. According to Director of National Intelligence James Clapper, “Sunni extremists” had infiltrated Syrian opposition groups, which may be unaware of the infiltration. As of June 2013, Sunni extremist groups appear to be increasingly active in Syria, including groups sympathetic to or affiliated with Al Qaeda. In April 2013, Director of National Intelligence James Clapper said that extremist militias were present in 13 of Syria’s 14 provinces “and are starting to establish municipal services, provide humanitarian aid, food, hospitals and sharia law courts.”²⁸

Abu Bakr al Baghdadi, the leader of the Al Qaeda-affiliated Islamic State of Iraq (ISI), released a statement in April 2013 proclaiming a merger with the Nusra Front (*Jabhat al Nusra li Ahl al Sham*, Support Front for the People of Syria),²⁹ although a reported Nusra leader downplayed any merger and pledged allegiance to Al Qaeda leader Ayman al Zawahiri. Zawahiri in turn has instructed the groups to refrain from rivalry and continues to encourage foreign fighters to travel to Syria and calls on Muslims to offer material support to armed jihadist groups in Syria.

Other prominent armed Salafist groups include members of the Syrian Islamic Front (SIF),³⁰ the Saquour al Sham brigades, the Abdullah Azzam Brigades,³¹ the Ummah Brigade (*Liwa al Umma*),³² and the Islam Brigade (*Liwa al Islam*).³³ The Free Ones of the Levant Battalions (*Kata’ib Ahrar al Sham*) and other members of the SIF use jihadist rhetoric in some statements. Islamist fighters in the Syrian Islamic Liberation Front (SILF) rejected the reported merger of ISI and Al Nusra. The Lebanon-based extremist group Fatah al Islam has released a number of statements on the conflict and members of the group have been reported to be fighting in Syria.

Press reports and anecdotal accounts suggest that there may be competition for influence among extremist groups and that they have lacked overarching coordination or shared leadership. The formation of the SIF and Syrian Islamic Liberation Front in late 2012 and early 2013 may signal increasing cooperation among like-minded Islamist militia groups. Experts consider the SIF to hold more hard-line views about the imposition of sharia law and members of its constituent militias may hold more hostile views toward the United States and Israel.

In December 2012, the Obama Administration designated the Nusra Front as a Foreign Terrorist Organization and as an alias of Al Qaeda in Iraq pursuant to Executive Order 13224. The Iraqi

²⁸ Testimony of Director of National Intelligence James Clapper, Senate Armed Services Committee, April 18, 2013.

²⁹ The Nusra Front has claimed responsibility for several high profile attacks, including attacks using suicide bombers and car bombs. An individual named Abu Mohammed Joulani reportedly leads the group, with strategic guidance from Al Qaeda in Iraq leader Abu Du’a. OSC Feature FEA20120314027051, “Video Production Announces Establishment of Jihadist ‘Al Nusrah Front’ in Syria,” January 24, 2012; and, Office of the State Department Spokesperson, “Terrorist Designations of the al-Nusrah Front as an Alias for al-Qa’ida in Iraq,” Washington, DC, December 11, 2012.

³⁰ See Aron Lund, Syria’s Salafi Insurgents: the Rise of the Syrian Islamic Front, UI Occasional Paper 17, March 2013.

³¹ A Saudi-national named Majed al Majed reportedly leads the Azzam Brigades. OSC Report GMP20120626966212, “Al-Qaeda in Syria: New Leader at the Helm,” *Al Akhbar* (Lebanon), June 26, 2012.

³² OSC Report GMP20120625125003, “Statement by New Al Ummah Brigade in Syria Promises ‘Jihad’ Until Victory,” June 18, 2012.

³³ OSC Report GMP20120719125001, “Liwa al-Islam Brigades Claims Responsibility for Damascus Bombings,” July 19, 2012.

government had previously expressed specific concern that individuals associated with Al Qaeda in Iraq have travelled to Syria and are using the conflict there to their advantage.³⁴ Reactions from some Syrian opposition leaders and armed groups were negative. Several armed groups made statements of solidarity with Al Nusra, and prominent civilian figures, including then-President Khateeb of the SC, requested that the U.S. government reconsider the designation. According to the U.S. State Department designation announcement, “Al Nusra has sought to portray itself as part of the legitimate Syrian opposition while it is, in fact, an attempt by Al Qaeda in Iraq to hijack the struggles of the Syrian people for its own malign purposes.”

The conflict in Syria has provoked a visceral public response in the region and is encouraging some people to make donations to support the Syrian uprising or travel to Syria to support the armed opposition. Some conservative Sunni clerics have issued religious edicts characterizing the fighting as a “defensive jihad” and endorsing the provision of material support to fighters and direct participation in the fighting.³⁵ The late Al Qaeda leader Abu Yahya al Libi released a statement in 2012 urging support for Syrian fighters and Ayman al Zawahiri continues to do so.³⁶ In April and June 2013, Al Qaeda figures released statements from Zawahiri calling for fighters in Syria to establish a “jihadist Islamic state.”

European and Middle Eastern media have published estimates of the number of volunteers in the mid-hundreds to low-thousands, along with anecdotal reports about individuals from Europe, North Africa, Turkey, the Gulf states, and the Levant.³⁷ Northern Lebanon and the Turkish border with northern Syria appear to be the most popular transit points for volunteers, presumably because of better regional air-travel linkages with Beirut and Turkish cities.

Statements from some armed groups indicate that their leaders are cognizant of the risks that certain tactics and rhetoric may pose (i.e., suicide bombing or attacks against civilians). The underlying incompatibility of different groups’ motives and intentions is difficult to ignore, particularly to the extent that some extremist groups are critical of other armed groups and may oppose efforts to establish democracy in any post-Asad Syria. The pro-sharia rhetoric and transnational orientation of some extremist groups make it possible that they may end up in conflict with secular, nationalist, or Islamist opposition elements. The prominent Syrian Salafist-Jihadist ideologue Abu Basir al Tartusi has openly rejected other jihadists’ criticism of the Free Syrian Army and characterized some of the groups and individuals now active in Syria as “extremists” and “fanatics.”³⁸

³⁴ Iraqi Foreign Minister Hoshyam Zebari said, “We have solid information and intelligence that members of Al Qaeda’s terrorist network have gone to Syria.” *Al Jazeera English*, “Iraq says al-Qaeda flowing into Syria,” July 5, 2012. See also, Al Qaeda in Iraq leader Abu-Bakr al Baghdadi’s remarks in OSC Report GMP20120721586002, “Islamic State of Iraq Amir Calls on Sunni Tribes to ‘Repent,’” July 21, 2012.

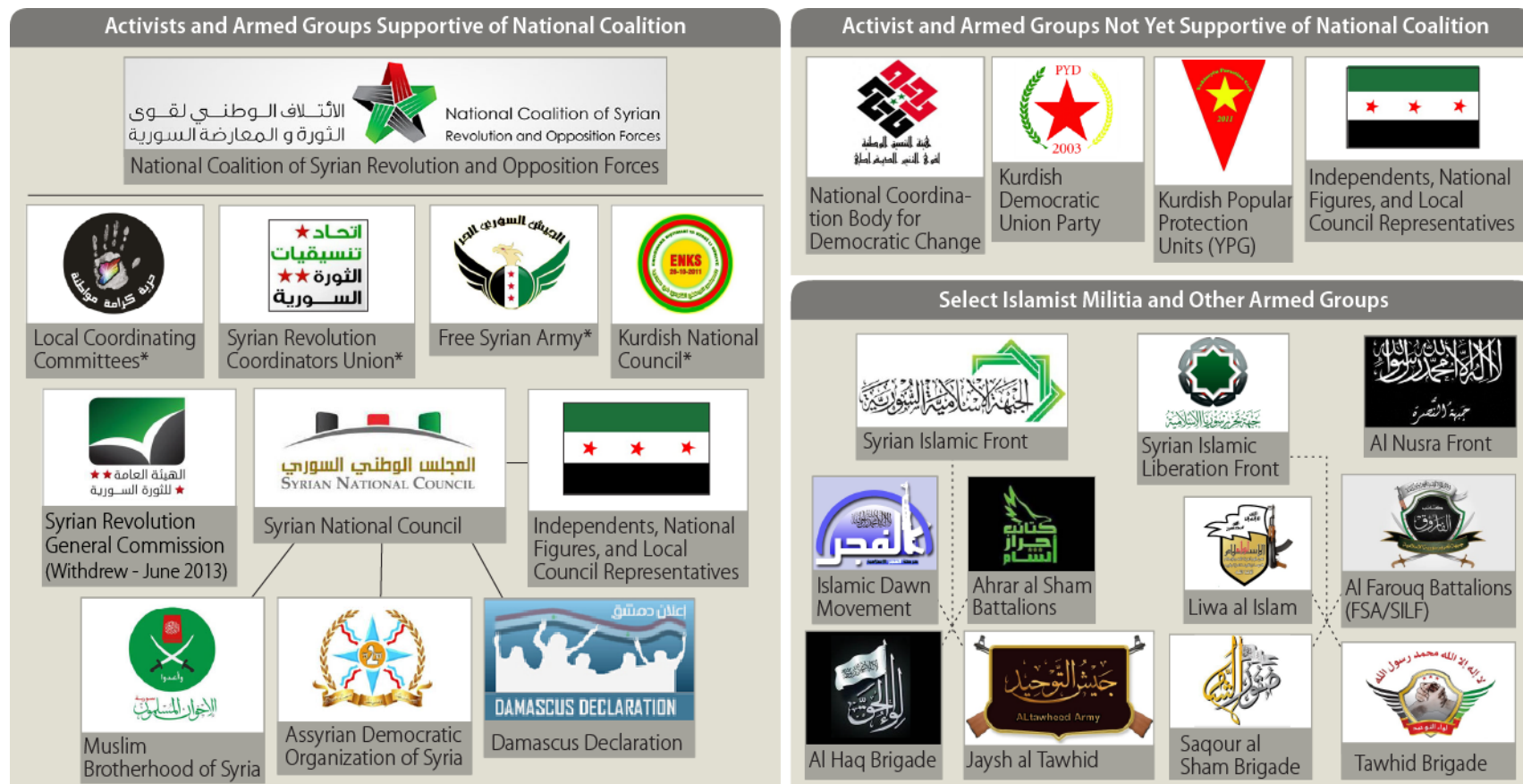
³⁵ OSC Report GMP20120618125001, “Al Shinqiti Calls Jihad in Syria ‘Duty,’ Advocates Joining Al Nusrah Front,” July 6, 2012; OSC Analysis GMF20120706420001, “Syria—Salafis Possibly Eying Larger Role in Post-Al-Asad Syria,” July 6, 2012.

³⁶ OSC Report GMP20120612405002, “Abu-Yahya al-Libi Urges Iraqi, Jordanian, Turkish Mujahidin ‘To Champion’ Syria,” June 12, 2012.

³⁷ *The National* (Abu Dhabi) “Syria, Jihad And the Boys From Tunisia’s Ben Guerdane,” July 3, 2012; OSC Report GMP20120607648001, “Al-Jazirah.net Says Jordan Charges 6 With Trying To Enter Syria To Wage Jihad,” *Al-Jazirah.net* (Doha), June 6, 2012; OSC Report EUP20120523029004, “Foreign Jihadis Flock To Syria in Bid To Overthrow Al Asad,” *Le Figaro* (Paris) May 22, 2012.

³⁸ “Abu Basir al Tartusi” is the pen name of Abdel Moneim Mustafa Halimah. For more on this topic, see Aron Lund, “Holier Than Thou: Rival Clerics in the Syrian Jihad,” *Jamestown Foundation Terrorism Monitor*, Volume: 10, Issue: 14, July 16, 2012.







Figure 2. Syrian Opposition Groups: Relationships and Factions



* Many of the groups that supported the creation of the National Coalition of Syrian Revolution and Opposition Forces have diverse memberships of local activists, factions, and brigades. These actors may hold differing views of the National Coalition and its decisions. The Kurdish National Council (KNC) reportedly offered conditional support for the Coalition if several political issues, including Kurdish representation in the Coalition and rights in a future Syria, would be addressed. The KNC was allocated membership in the Coalition, but its support is still being determined. Coalition leaders reportedly have deferred decisions regarding the constitutional issues raised by the KNC until a democratically elected government has been formed.

Source: CRS Graphics, based on Syrian opposition social media and websites.

Figure 3. Profiles of Select Opposition Groups and Militias

Activists and Armed Groups Supportive of National Coalition	
	<p>National Coalition of Syrian Revolution and Opposition Forces <i>Formed in Qatar, November 2012.</i> Umbrella coalition for opposition groups intended to expand representation and establish legitimate unified voice for engagement with international community. Critics include anti-intervention Syrians and some Kurdish groups. President is Syrian National Council President George Sabra, a Christian. Deputy leaders are Riad Seif and Suheir Atassi, a secular female activist. Third deputy seat reserved for a Kurdish representative. Governed by 65-seat assembly made up of: Syrian National Council (22 seats), provincial revolutionary councils (14 seats), national figures (10 seats), Alawites (5 seats), the Muslim Brotherhood (1 seat), and other groups (13 seats). The SC-affiliated Supreme Military Command Council (SMC) is working to unite and better lead diverse armed factions. National Coalition members voted in March 2013 to elect Ghassan Hitto as interim Prime Minister to govern opposition held areas, amid some temporary resignations linked to critiques of the voting process and allegations of foreign interference.</p>
	<p>Syrian National Council (SNC) <i>Formed in Turkey, October 2011.</i> Subsumed under National Coalition. Led by Damascus Declaration co-founder and leftist activist George Sabra. Consists mainly of exile activists, including Syrian Muslim Brotherhood, secular elites, intellectuals, independents, and ethnic and religious minorities such as Kurds and Christians. During 2012, several leading members resigned in protest of SNC decision making and a perceived lack of effectiveness. Some Syrian critics allege that the SNC is dominated by the Muslim Brotherhood and overly influenced by the Turkish government.</p>
	<p>Free Syrian Army (FSA) Consists of brigades made up of various combinations of armed dissident military personnel and civilian volunteers. Reports suggest that the FSA has improved its command structure, logistics, intelligence, and tactical capabilities, but some brigades fighting under the FSA banner appear to remain only nominally affiliated with FSA commanders. The FSA coalition includes brigades considered by Syrians and outside observers to have an Islamist orientation. Formation of Supreme Military Command Council (SMC) in December 2012 sought to reorganize FSA and created regional commands and lines of authority under General Salim Idriss. Idriss' authority and the practical impact of these changes remains to be seen.</p>
	<p>Muslim Brotherhood of Syria Has opposed the Baathist government for decades, both through nonviolent opposition and armed violence. Its leaders have remained in exile since the unsuccessful armed uprising of the 1970s and 1980s, during which membership in the group became, according to Syrian law, a capital offense. The Brotherhood controls 25% of the seats in the Syrian National Council and is represented within the National Coalition via the SNC and independently. Some Syrian opposition activists accuse the Brotherhood of seeking to influence the uprising and direct any post-Asad transition in an Islamist direction. The group released a charter in March 2012 that outlines a commitment to a number of civil and political rights, condemns torture, and calls for "a modern civil state based on a civil constitution that emanates from the will of the Syrian people on the basis of national consensus." Leaders include Comptroller General Mohammed Riyad al Shaqfah and SNC Executive Council member Mohammed Farouq Tayfour.</p>
	<p>Kurdish National Council (KNC) Umbrella organization of several smaller Kurdish political parties, brought together by Iraqi Kurdish leader Massoud Barzani. The KNC has called for the creation of an autonomous Kurdish region within a federated Syria, a position that has put it at odds with some other opposition groups. It also has demanded compensation for historical Kurdish suffering and the removal of the word "Arab" from Syria's official name: the Syrian Arab Republic.</p>
	<p>Local Coordinating Committees (LCCs) During the protest stage of the uprising, LCCs active in many Syrian communities created an informal network to link activists nationally. The LCCs continue to report on developments across the country, organize protests, and coordinate relief efforts in conflict-affected areas. The national coordinating body for the LCCs has endorsed the National Coalition, but individual communities and leaders may hold differing views on the Coalition and its decisions.</p>

Source: CRS, derived from U.S. government Open Source Center reports, social media, and official statements. The positions, sizes, platforms, and membership of groups are subject to change.

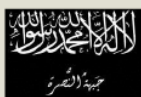
Figure 4. Profiles of Select Opposition Groups and Militias**Groups Not Supportive of National Coalition, Islamist Militia, and Other Armed Groups****National Coordination Body for Democratic Change (NCB)**

Formed in the summer of 2011

A Syria-based alliance of leftist groups, Kurdish activists, and individuals associated with the 2005 Damascus Declaration on political reform. The NCB has stated a willingness to negotiate with the Assad regime (predicated on an end to the use of force against civilians) and opposes foreign intervention in Syria's conflict. Repeated attempts to merge the NCB with the Syrian National Council failed, and the NCB has declined to support the National Coalition. In response to the Coalition being granted Syria's Arab League seat, the NCB released a statement saying, "It should be clear that the SOC does not represent the entire Syrian opposition, let alone representing the Syrian people."¹

**Kurdish Democratic Union Party (PYD)/Kurdish Popular Protection Units (YPG)**

The PYD is a member of the NCB and is affiliated with the Kurdistan Workers Party (PKK), a U.S. designated foreign terrorist organization. PYD officials, including the group's leader Saleh Muslim Mohammed, seek Kurdish autonomy in Syria. The group opposes foreign intervention and has rejected entreaties to join the SNC or National Coalition. In July 2012, Iraqi Kurdish leader Massoud Barzani brokered an agreement between the PYD and its rivals in the KNC to form a Kurdish Supreme Committee to administer "West Kurdistan." The committee nominally controls armed popular protection units (YPG), known colloquially as *asayish* or "security," which have asserted control in some majority-Kurdish areas and clashed with some Sunni Arab opposition militia. PYD-affiliated units are reported to have several thousand members.

**Al Nusra Front**

A Salafi-jihadist militia, the "Support Front for the People of Syria" emerged in early 2012 and claimed responsibility for a series of high profile suicide bombing attacks against government security forces and summary executions of captured regime soldiers. Its messaging, tactics, and ideology mirror those of Al Qaeda affiliates in other regional conflict zones. In recent months, reporting from Syria suggests that Al Nusra Front members have been coordinating more closely with other opposition factions in northern Syria. The prospect for clashes between Al Nusra and other groups remains, as the Front's uncompromising views on the strict implementation of Islamic religious law create rifts with other Sunni Arabs and Kurds, not to mention religious minorities. The United States has designated Al Nusra as a Foreign Terrorist Organization and two of its leaders as acting on behalf of Al Qaeda in Iraq pursuant to Executive Order 13224.

**Ahrar al Sham Battalions**

The "Free Ones of Syria" are a coalition of Salafist-jihadist militias active in northern Syria. Its statements suggest its members are motivated by anti-Shiite sectarian views and may support the establishment of an Islamic state. Group members in Aleppo publicly rejected the establishment of the National Coalition in November, although group leaders subsequently clarified the group's conditional support for the initiative. Social media posts by the group exhibit the use of improvised explosive devices against government forces. Ahrar al Sham led the creation of the Syrian Islamic Front in December 2012, bringing its forces into closer coordination with other similarly minded militia in northern and eastern Syria.

**Saqour al Sham Brigade**

Based in northwestern Idlib province, the "Falcons of Syria" are a Salafis-jihadist militia group that calls for the establishment of an Islamic state and has made contradictory statements about Syrian religious minorities. Ahmed Issa al Sheikh leads the group's estimated four thousand fighters and has given interviews to international media. Issa oversaw the creation of the Syrian Islamic Liberation Front.

**Al Farouq Battalions (FSA/SILF)**

The Al Farouq Battalions are a coalition of militias that have fought under the banner of the Free Syrian Army. Some Farouq units now fight under the banner of the Syrian Islamic Liberation Front. The main Al Farouq Battalion is based in Homs. Different chapters have taken different approaches to coordination with Salafi-jihadist militias, leading some FSA supporters to question Al Farouq members' intentions. According to various media reports, some Al Farouq fighters may receive support from sources in Saudi Arabia, while others may receive support from the Syrian Muslim Brotherhood.

¹ U.S. Open Source Center Report GMP20130327625007, "NCB Criticizes Arab Summit Decision To Give Syria's Seat to Opposition Coalition," March 27, 2013.

Source: CRS, derived from U.S. government Open Source Center reports, social media, and independent analyst reports. The positions, sizes, platforms, and membership of groups are subject to change.

U.S. Policy and Issues for Congress

The Syria Uprising and Civil War: U.S. Response, 2011-Present

Since March 2011, U.S. unilateral and multilateral policy initiatives toward the Syrian civil war have sought to stop the violence, push for the departure of President Asad, and begin a political transition to a more democratic form of government. During the conflict's initial phase, when President Asad met non-violent civil protest with repressive force, the Administration denounced the regime's violent measures, expanded existing U.S. sanctions on Syrian government officials, and insisted that the government enact substantive political reforms to meet protestor demands. After President Asad continued his strategy of violently suppressing dissent while refusing to resign, the Administration called for Asad's resignation in August 2011. For the next year, U.S. officials attempted to work multilaterally through the United Nations to sanction the regime, reach a cease-fire, and endorse a political transition plan. All of these efforts were stymied by Russian and Chinese rejections of such proposals at the Security Council and unabated violence on the ground inside Syria.

After a year of conflict and without any consensus at the United Nations Security Council on approaches to end the violence, President Obama continued to pursue primarily non-military approaches toward the civil war. The White House continued to reject calls for unilateral U.S. military intervention or lethal support to rebel forces. However, during the summer of 2012, reports of alleged Asad regime preparation of munitions with chemical agents led President Obama to remark that the movement or use of such agents would constitute a "red line" and cause him to change his calculus.

With international attempts having failed at the baseline goal of bringing about a durable cease-fire, U.S. officials focused more intently on unifying the Syrian opposition. From September 2012 to February 2013, U.S. policy concentrated heavily on helping lay the foundation for a more unified political and armed opposition that could serve as a recipient of potentially greater U.S. and international support. The United States also took preliminary steps to support the defense of states bordering Syria, such as Turkey and Jordan, with the deployment of Patriot missile batteries to the former and small contingents of U.S. military personnel to the latter.

By the spring of 2013, as the death toll from the conflict had surpassed 70,000 and refugee outflows had reached over a million Syrians, the United States expanded humanitarian aid to U.N. agencies and neighboring states while providing limited, non-lethal assistance to the newly formed Syrian Opposition Coalition. By April 2013, reports that the Administration may be considering lethal assistance also surfaced. Meanwhile, in May 2013, the United States and Russia agreed to jointly work toward convening a peace conference in Geneva in the hopes of bringing Syrian combatants to the negotiating table. However, the lifting of the European arms embargo, reports of new Russian weapons shipments, Hezbollah's acknowledgement of its involvement in the conflict, and indications of continued infighting among opposition groups cast some doubt on the likelihood of successful negotiations.

The June 2013 confirmation by U.S. intelligence of limited chemical weapons use appears to have created a new inflection point. In the words of White House officials, "The President has said that the use of chemical weapons would change his calculus, and it has." Congress and the Administration may now debate a new direction in U.S. policy as Syria's war drags on.

Chronology of U.S. Policy toward Syria and its Neighbors: 2011-2013

Date	Event
April 2011 – Present (Sanctions)	Since the beginning of the Syria conflict, the Obama Administration has significantly expanded U.S. sanctions against the regime and its supporters. The Treasury Department has designated dozens of individuals and entities, freezing any U.S.-based assets of theirs and denying them access to the U.S. financial system. For a complete list of sanctions, please see Table D-1
August 2011 (President calls for Asad's Resignation)	On August 18, 2011, President Obama called for the resignation of Syrian President Bashar al Asad, saying "We have consistently said that President Asad must lead a democratic transition or get out of the way. He has not led. For the sake of the Syrian people, the time has come for President Asad to step aside." The President also issued Executive Order 13582 which freezes all assets of the Government of Syria, prohibits U.S. persons from engaging in any transaction involving the Government of Syria, bans U.S. imports of Syrian- origin petroleum or petroleum products, prohibits U.S. persons from having any dealings in or related to Syria's petroleum or petroleum products, and prohibits U.S. persons from operating or investing in Syria.
February 2012 (President suspends Embassy Operations)	The United States suspended its Embassy operations in Damascus and withdrew U.S. Ambassador to Syria Robert S. Ford.
April 2012 (U.S. support for United Nations involvement)	On April 14, 2012, the U.N. Security Council passed Resolution 2042, which approved the deployment of a U.N. advance team of 30 military observers to Syria. It also demanded that the Syrian authorities withdraw security forces from population centers and begin a dialogue with the opposition. The vote marked the first time since protests began that the Security Council was united in demanding a halt to the violence. On April 21, the Security Council passed Resolution 2043, which established—for a 90-day period—a United Nations Supervision Mission in Syria (UNSMIS). The resolution also created a civilian team to help implement elements of the full peace plan, such as the start of a national political dialogue and the government's granting of the right to demonstrate.
June 2012 (U.S.-Russian Endorsement of the Geneva Communiqué)	On June 30 in Geneva, Switzerland, the Action Group on Syria (a group of countries which included the United States) issued a communiqué endorsing a U.N.-proposed peace plan and calling for a transitional government of national unity in Syria that could include members of the opposition and current regime. Such a transitional government would be charged with overseeing the drafting of a new constitution and national elections. In order to secure Russian support for the final statement, the Action Group stated that any transitional government "shall be formed on the basis of mutual consent," a phrase that would give supporters of Asad and the opposition veto power over the selection of unity government leaders.
July 2012 (U.S. support for United Nations involvement)	On July 19, 2012, the Security Council failed to adopt a proposed resolution that would have, among other things, threatened sanctions on Syria if demands to end the violence were not met. Permanent members China and Russia voted against the resolution and Pakistan and South Africa abstained. The resolution would have had the Security Council act under Chapter VII of the United Nations Charter to demand verifiable compliance—within 10 days of the proposed resolution's adoption—with its demands in previous resolutions that Syrian authorities pull back military concentrations from population centers and cease the use of heavy weaponry against them. Russia prominently vetoed two other U.N. Security Council resolutions on Syria in October 2011 and February 2012.
Summer 2012 (President's reported rejection of lethal aid)	Various U.S. media sources have reported that in 2012, then- Secretary of State Hillary Rodham Clinton and then-CIA Director David Petraeus proposed a plan to provide lethal aid (with the assistance of some neighboring countries) to vetted rebel groups. Subsequent testimony revealed that then-Secretary of Defense Leon

	Panetta also was in favor of this proposal, which reportedly was ultimately rejected by the President. ³⁹
August 2012 (The President on Regime Use of Chemical Weapons)	On August 20, President Obama said, “We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus.... We’re monitoring that situation very carefully. We have put together a range of contingency plans.”
October 2012 (U.S. personnel to Jordan)	In October 2012, then Secretary of Defense Leon Panetta announced that the United States military had sent a task force of “planners and other specialists” to Jordan.
December 2012 (Recognition of the Syrian Opposition)	In order to help unify the long divided Syrian opposition, the United States and others facilitated the formation of the Syrian Opposition Coalition (SC) in November 2012 in Doha, Qatar. The United States extended recognition to the SC as the “legitimate representative of the Syrian people,” though it has not been legally recognized as the government of Syria.
December 2012 (Designation of Al Nusra Front as an FTO)	The United States designated Jabhat al Nusra, a Salafi-Jihadist militia and reported affiliate of Al Qaeda in Iraq, as a Foreign Terrorist Organization, indicating that U.S. interests are not only threatened in the short term by the effects of the current fighting but could be threatened over the long term by the empowerment of extremist groups in Syria.
December 2012 (NATO approves Patriot Missile Deployment to Turkey)	On December 4, 2012, NATO announced that it would deploy Patriot missile defense batteries to areas near the Turkish border, presumably to defend against potential Syrian Scud missile and/or chemical weapons attacks, as Turkey does not have a missile defense capability of its own. The United States, Germany, and the Netherlands have contributed Patriot batteries and operational teams to the Turkish population centers of Gaziantep, Karamanmaras, and Adana, respectively. The batteries reportedly became operational in January 2013.
January 2013 (The President on the prospect of U.S. military intervention in Syria)	In a January 2013 interview with the <i>New Republic</i> , President Obama responded to a question on how he views the violence in Syria by saying: “And as I wrestle with those decisions, I am more mindful probably than most of not only our incredible strengths and capabilities, but also our limitations. In a situation like Syria, I have to ask, can we make a difference in that situation? Would a military intervention have an impact? How would it affect our ability to support troops who are still in Afghanistan? What would be the aftermath of our involvement on the ground? Could it trigger even worse violence or the use of chemical weapons? What offers the best prospect of a stable post-Assad regime? And how do I weigh tens of thousands who’ve been killed in Syria versus the tens of thousands who are currently being killed in the Congo?”
February 2013 (Non-Lethal Aid to Syrian Opposition)	In February 2013, Secretary of State John Kerry announced an initiative to provide new U.S. non-lethal support to the SC and local opposition groups inside Syria. U.S. assistance to the SC and other opposition groups seeks to increase the opposition’s capacity and credibility. To date, the Obama Administration and Congress have repurposed \$250 million to support opposition groups and provide assistance in opposition-controlled areas of Syria.
April 2013 (More U.S. Personnel to Jordan)	In April 2013, the Defense Department announced that it will deploy an Army headquarters element (est. 200 personnel) to Jordan to help local forces defend their border with Syria. The Defense Department noted that U.S. troops dispatched to Jordan would provide training and equipment to Jordanian forces to “detect and stop chemical weapons transfers along Jordan’s border with Syria, and develop Jordan’s capacity to identify and secure chemical weapons assets.”
April 2013 (On alleged Syrian regime chemical weapons)	On April 25, 2013, the White House issued a letter to Congress stating that “our intelligence community does assess with varying degrees of confidence that the

³⁹ “Backstage Glimpses of Clinton as Dogged Diplomat, Win or Lose,” *New York Times*, February 2, 2013.

usage)	Syrian regime has used chemical weapons on a small scale in Syria, specifically the chemical agent Sarin."
May 2013 (Return to the Geneva Communiqué)	On May 7, 2013, Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov announced that the United States and Russia would cooperate to convene an international conference aimed at reaching a political settlement.
May 2013 (Humanitarian Aid)	On May 9, Secretary Kerry announced that the United States is contributing an additional \$100 million in humanitarian assistance, bringing total U.S. humanitarian assistance for those affected by the violence in Syria to nearly \$510 million.
June 2013 (Limited Sanctions Relief)	On June 12, Secretary Kerry announced a partial waiver of preexisting Syrian Accountability Act sanctions restricting exports to Syria to allow, subject to case-by-case review, the export and reexport of certain items to rebel controlled areas. The items available to be licensed under the sanctions change are commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure.
June 2013 (Chemical Weapons Confirmation, Expanded Assistance)	On June 13, White House officials confirmed the U.S. intelligence community's assessment that "the Asad regime has used chemical weapons, including the nerve agent sarin, on a small scale against the opposition multiple times in the last year." In response to the assessment, the White House signaled its intent to expand U.S. assistance to the Syrian opposition, including the provision of unspecified support to the Supreme Military Council of the armed opposition.

Debating U.S. Intervention

Options for military intervention continue to be debated, with advocates of different options apparently disagreeing on strategic priorities. Those seeking a rapid end to the current conflict might favor the use of U.S. airpower to degrade the Syrian military's remaining capabilities. However, such an approach would not immediately resolve security issues inside Syria or prevent fighting among opposition forces and regime remnants. Those seeking a more limited civilian protection mission might prioritize the establishment and defense of enclaves/buffer zones in northern or southern Syria where displaced persons can seek shelter and assistance and where opposition groups can operate, train, and launch continuing operations against the Asad regime. It is unclear whether such zones could be adequately defended without the use of ground forces or the placement of air defense equipment inside Syria. Still others with discrete concerns about Syrian unconventional and conventional weapons stocks or non-state groups active in Syria might advocate for a limited military operation targeting key weapons- and terrorist-related sites, entities, or individuals. Such operations might eliminate individual threats but would not alleviate wider humanitarian concerns or improve general security conditions.

Each of these objectives may have different diplomatic and strategic implications, and each of the corresponding military approaches may have differing degrees of risk, feasibility, and cost. The FY2013 Defense Authorization Act (P.L. 112-239) incorporated a Senate amendment (S.Amdt. 3262 amended S. 3254) to require the Secretary of Defense to submit a report to congressional defense committees identifying options to "deny or significantly degrade" the Syrian military's ability to use air power against civilians and opposition. Specifically, the report would require an assessment of the deployment of air defense systems, the establishment of no-fly zones over Syrian population centers, limited air strikes, or "other military activities."

President Obama has remained reluctant to endorse military intervention proposals to date and Administration officials have cited a number of reasons, including fears of exacerbating the violence and risking regional spillover; the absence of U.N. Security Council authorization for

intervention; and the Syrian opposition's continued divisions over the issue. Polling suggests a lack of U.S. domestic political support for more robust action. Other foreign policy priorities have also influenced the Administration's position, including U.S. efforts to address Iran's nuclear program. Asad's departure could be a major set-back for Iran, but the Administration also seeks to maintain pressure on Iran through sanctions and diplomacy, and may fear that U.S. intervention would unravel the limited consensus it has built with Russia, China, and others.

In general, critics of U.S. policy toward Syria since 2011, including some Members of Congress, have decried what they perceive to be the Administration's passivity toward the Syrian regime's violence, asserting that lack of U.S. military involvement, either directly or by proxy, has demonstrated a lack of American leadership in global affairs, empowered Syria's undemocratic allies such as Iran and Hezbollah, enabled Sunni Salafi-Jihadist groups to consolidate powerful positions within the ranks of the armed opposition, and permitted humanitarian and political crises and sectarian animus to grow exponentially in a volatile region. Moreover, some critics argue that U.S. credibility is being diminished by Asad's refusal to step down or end abuses of civilians despite U.S. demands. Those who support the Administration's approach to date argue that U.S. military intervention in Syria would require a significant commitment of U.S. military and financial resources over an undefined period of time amidst a general U.S. drawdown from Afghanistan and earlier from Iraq. In addition, proponents caution that U.S. assistance used to overthrow the Asad regime would not address a post Asad environment, in which, like Iraq, sectarian animosities could spark continued civil strife amidst various Syrian communities affected by the war.

U.S. Assistance

In FY2012 and FY2013 the United States has provided a total of more than **\$513 million** for humanitarian activities both inside Syria and in neighboring countries.⁴⁰ The United States has made humanitarian assistance contributions in response to U.N. appeals and supports projects outside of the U.N. system.⁴¹ U.S. humanitarian assistance has been drawn from global accounts, including the International Disaster Assistance (IDA), Migration and Refugee Assistance (MRA), and P.L. 480-Title II accounts. On April 5, the State Department notified Congress of its intent to repurpose \$220 million in FY2012 Pakistan Counterinsurgency Capability Funds to increase the FY2012 IDA and MRA account balances for additional humanitarian assistance for Syrians. Section 1707(e) of P.L. 113-6, the FY2013 continuing resolution included increased account totals for the IDA and MRA accounts, which improves the Administration's ability to meet future Syria-related needs with FY2013 funds.

According to the U.S. State Department, the United States also has committed to providing **\$250 million** in transition support to the SC and SMC. To date, the President has used emergency authority for unanticipated contingencies in Section 451 of the Foreign Assistance Act to identify and repurpose Overseas Contingency Operations funds and Pakistan Counterinsurgency Capability Funds to provide \$54 million in nonlethal support to unarmed opposition groups. In March 2013, the Administration notified Congress of its intent to reprogram an additional \$63 million in OCO funds and use Section 451 authority to further enhance the capabilities of the

⁴⁰ Cited funds have been provided in FY2012 and FY2013 and include previously appropriated funds. For more information or analysis, contact Rhoda Margesson, CRS Specialist in International Humanitarian Policy, (ext. 7-0425, rmargesson@crs.loc.gov).

⁴¹ For full details, see USAID, Syria-Complex Emergency Fact Sheet #17, June 7, 2013.

Syrian Opposition Coalition and local opposition councils inside Syria. In April 2013, the President invoked drawdown authority to provide food and medical assistance to armed opposition elements. The Administration and Congress also have repurposed \$300 million for Syria-related budget support to Jordan's government.

Policy debates about U.S. humanitarian and opposition assistance have increasingly focused on whether the United States is receiving adequate political benefit from its assistance efforts. Anecdotal evidence from field reports and aid implementers suggests that many Syrians who may be receiving U.S. assistance remain unaware of its origins, and that the general perception among opposition groups is that the United States remains wary of providing assistance to rebels because of fears of aiding extremist groups.⁴² In response, some Members of Congress and outside observers have argued that the United States should begin to more aggressively "brand" U.S. aid to enhance local perception that the people of the United States stand in solidarity with Syrians.

Humanitarian assistance implementers express concern that the so-called branding of aid delivered into Syria as "American" or "foreign" may make aid personnel and recipients targets of attacks by hostile extremists or Syrian government forces. Some proposed legislation introduced in the 113th Congress would require branding of U.S. assistance for Syrians, with some exceptions for the safety of those delivering assistance and consideration of the successful achievement of U.S. policy objectives (see **Appendix A**).

U.S. assistance programs initiated in 2013 seek to create a grant-making mechanism that would allow the SC to support the local efforts of councils, without creating duplicative arrangements. The feasibility and political consequences of this approach remain to be determined. Some aid delivery organizations and outside observers argue that traditional principles of impartiality and neutrality should continue to govern all humanitarian assistance delivery and programs seeking the improvement of local services. Some Syrians may regard efforts to channel assistance via the SC-ACU as an attempt to assert political control over the funds and programs of other groups. Local opposition groups reportedly are very sensitive to the duplication or manipulation of aid delivery efforts to boost the political profile of exile opposition groups or foreign governments.

Obama Administration officials have acknowledged that the United States is providing non-combatant elements of the Syrian opposition with non-lethal assistance, such as medical supplies, food, communications equipment, and training.⁴³ Prior to the most recent discussion of arming the opposition in response to the regime's use of chemical weapons, press sources had reported that President Obama reportedly issued a "Presidential Finding" permitting the Central Intelligence Agency (CIA) and other U.S. government agencies to provide unspecified support to Syrian rebel groups, including armed fighters.⁴⁴ Unverified press reports allege that U.S. intelligence officers located in southern Turkey and Jordan are vetting rebel groups for ties to known terrorist organizations, helping to coordinate the delivery of lethal aid to select groups, gathering intelligence on opposition networks, and establishing relationships with fighters likely

⁴² CRS Specialist's meetings with U.S. government grantees and Syrian opposition activists, 2013.

⁴³ Such aid reportedly includes tools to circumvent Internet censorship, such as anonymizing software and satellite phones with GPS capabilities. According to another report, the Central Intelligence Agency (CIA) has "supplied encryption-enabled communications gear to opposition groups, presumably enabling the United States to monitor their talks." CRS cannot verify these reports. See "US Provides Communications Aid for Syria Opponents," *Agence France Presse*, June 14, 2012; "In Syria Conflict, U.S. Struggles to Fill Intelligence Gaps," *Washington Post*, July 23, 2012.

⁴⁴ Reuters, "Obama Authorizes Secret US Support for Syrian Rebels," August 1, 2012.

to be influential as the conflict continues or in its aftermath.⁴⁵ One report also states that Administration has debated whether to provide rebels with satellite imagery and intelligence on Syrian troop locations and movements.⁴⁶ CRS cannot verify these reports.

As with debates over possible military intervention, proposals for the expansion of financial aid or lethal assistance to Syrian groups may raise a number of questions for potential congressional oversight and engagement. Specific proposals may have implications for long-standing debates about the respective constitutional and statutory war powers and foreign affairs authorities of Congress and the President.⁴⁷ Proposals may also reinvigorate debate over the utility of and/or moral imperative for military intervention as a means to protect civilians and secure other U.S. interests.⁴⁸ Such debates also occurred during the 112th Congress's consideration of the 2011 U.S. military intervention in Libya.

Securing Syrian Weapons Stockpiles

Note: For detailed CRS analysis of chemical weapons stockpiles and related questions in Syria, see CRS Report R42848, *Syria's Chemical Weapons: Issues for Congress*, coordinated by Mary Beth Nikitin.

A primary concern for U.S. and other international policymakers is the status of the Syrian military's control over large conventional and unconventional weapons stockpiles, including chemical weapons, shoulder-fired surface-to-air missiles (MANPADs), surface-to-surface rockets, armored weapons, explosives, and small arms. As noted above, the recent confirmation of the U.S. intelligence community's assessment of the Asad regime's limited chemical weapons use signals that the "red line" established by the Administration in 2012 and 2013 has been crossed.⁴⁹ In December, President Obama said, "I want to make it absolutely clear to Assad and those under his command: The world is watching. The use of chemical weapons is and would be totally

⁴⁵ Other reports state that U.S. intelligence officers, in conjunction with foreign governments, also may be helping the opposition develop logistical routes for moving supplies into Syria. Reuters, "Obama Authorizes Secret US Support for Syrian Rebels," August 1, 2012; and, "U. S. Stepping Up Efforts To Organize Syria Rebels," *Wall Street Journal*, June 14, 2012.

⁴⁶ "C.I.A. Said to Aid in Steering Arms to Syrian Opposition," *New York Times*, June 21, 2012.

⁴⁷ In August 2012, Congress enacted legislation clearly stating that the legislation was not intended to constitute a declaration of war on Syria or an authorization of the use of force against Syria. Section 604 of P.L. 112-158 (the Iran Threat Reduction and Syria Human Rights Act of 2012) states, "Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria."

⁴⁸ Debate over protecting civilians reflects differences of opinion between those who embrace the principle of a so-called "responsibility to protect" and those who argue that such protection, while admirable and even desirable in some contexts, should not be endorsed in general terms because it may conflict with other U.S. interests, such as maintaining regional stability, avoiding unintended consequences of military action, and avoiding precedents that compromise future flexibility of action.

⁴⁹ In December 2012, U.S. officials reiterated public statements warning Syrian officials that the United States considers any use or transfer of Syrian chemical weapons to be a "red line" and that contingency planning has taken place for an unspecified response to such a scenario. On August 20, President Obama said, "We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus.... We're monitoring that situation very carefully. We have put together a range of contingency plans." Statement by President Obama, White House, Washington, DC, August 20, 2012. On December 3, then-Secretary of State Hillary Rodham Clinton and President Obama reiterated U.S. warnings, with Clinton stating that the use or transfer of chemical weapons is "a red line for the United States." Statement by Secretary of State Hillary Rodham Clinton, Prague, Czech Republic, December 3, 2012.

unacceptable and if you make the tragic mistake of using these weapons there will be consequences and you will be held accountable.”⁵⁰ In early December, the Syrian Foreign Ministry said, “Syria has stressed repeatedly that it will not use these types of weapons, if they were available, under any circumstances against its people.” In 2012, Syrian officials accused the United States of “looking for a pretext to intervene militarily”⁵¹ and stated chemical weapons would not be used “unless Syria faces external aggression.”⁵²

The White House identified four specific incidents where it believes chemical weapons were used: “on March 19 in the Aleppo suburb of Khan al Asal; April 13 in the Aleppo neighborhood of Sheikh Maksud; May 14, in Qasr Abu Samra, which is north of Homs; and on May 23 in an attack in eastern Damascus.” These incidents track with a recent round of claims and counterclaims by the opposition and Syrian government regarding chemical weapons use. On March 19, 2013, the Syrian government accused rebels of firing a rocket or missile with chemical agents at government-controlled areas in Aleppo province; Opposition forces in turn asserted that the Asad regime was lying in order to cover up its own alleged use of “chemical rockets” that day against rebel forces east of the capital.

In order to ascertain the truth, a team of United Nations experts charged with investigating the allegations was deployed to Cyprus but was not granted permission by the Syrian government to enter the country. The Asad regime insisted that the U.N. investigation focus on government claims of alleged chemical weapons usage by rebels. In response, U.N. Secretary General Ban Ki-moon demanded “unfettered access” to all alleged sites. Russia also opposed the investigation of rebel claims.

Since the crisis began in 2011, U.S. and Israeli officials have publicly communicated their assessments of and concerns about the extent, security, and potential unrest-related implications of Syria’s unconventional weapons programs and stockpiles. U.S. officials have expressed confidence that they have a reliable estimate of the quantities and locations of Syrian chemical weapons and have indicated that the “extensive network” of related facilities is being monitored “very closely” via unspecified means.⁵³ Since late 2011, named and unnamed Israeli officials have voiced similar concerns about “huge stockpiles”⁵⁴ of chemical weapons in Syria and have warned that Israel will consider any indication that the Asad regime is transferring WMD materials to Hezbollah or other non-state actors to be an act of war.⁵⁵ NATO, Russia, and several

⁵⁰ Statement by President Obama, National Defense University, Washington, DC, December 3, 2012.

⁵¹ Statement by Syrian Deputy Prime Minister Qadri Jamil, August 2012.

⁵² Statement by Syrian government spokesperson Jihad Maqdisi, July 2012.

⁵³ On July 18, 2012, U.S. State Department spokesperson Patrick Ventrell said, “We’re closely monitoring their proliferation-sensitive materials. We don’t have any indication that those specific munitions are not under Syrian Government control at this time, but we’re monitoring it very closely.” In February 2012, Assistant Secretary of State for Verification, Compliance, and Implementation Rose Gottemoeller said, “We have ideas as to quantity. We have ideas as to where they are.” Quoted in Lachlan Carmichael, “U.S. concerned about Syrian chemical arms, missiles,” *Agence France Presse (AFP)*, February 15, 2012. Director of National Intelligence James Clapper referred to an extensive network of Syrian chemical weapons facilities in testimony before the Senate Armed Services Committee on February 16, 2012. See also Jay Solomon and Adam Entous, “U.S. Steps Up Watch of Syria Chemical Weapons,” *Wall Street Journal*, February 15, 2012; and, Jay Solomon, “U.S., Israel Monitor Suspected Syrian WMD,” *Wall Street Journal*, August 27, 2011.

⁵⁴ Major-General Amir Eshel, head of the Israeli military’s planning division, quoted in “Israel Fears Syrian ‘Chemical, Biological’ Weapons,” *NOW Lebanon*, January 17, 2012.

⁵⁵ U.S. Open Source Center Report GMP20120201736004, “Israeli Official: Chemical Weapons From Syria to Hizballah ‘Declaration of War,’” *Yisra’el Hayom* (Tel Aviv), February 1, 2012.

other countries have underscored their intention to hold the Asad government responsible for its actions with regard to chemical weapons.

Open source reporting on Syria's chemical weapons program suggests that nerve gas and mustard gas production and storage infrastructure is concentrated at facilities in and around Al Safira (southeast of Aleppo), Damascus, Hamah, Latakia, and Homs.⁵⁶ Stockpiles also may be dispersed in other military locations around the country, and some reports suggested that the Syrian government may have moved or consolidated chemical weapons-related materials in order to better guarantee their security. As the recent discovery of undeclared chemical weapons material in Libya has shown, there are limits to the ability of international intelligence agencies and the Organization for the Prohibition of Chemical Weapons (OPCW) to understand and verify the extent of sensitive WMD programs, even when dealing with countries that have ratified international conventions on WMD—which Syria has not.⁵⁷

The Asad regime likely places greater emphasis on ensuring the loyalty of military units involved in guarding elements of WMD programs because of the weapons' relevance as a potential deterrent against foreign attack. In the wake of any sudden regime collapse, efforts to find and secure stockpiles would be both a high priority and a difficult challenge. Neighboring intelligence services in Turkey, Jordan, and Israel may have useful insight on the extent of these programs and related security challenges. Elements of the Syrian military may be in a position to aid in securing materials and sites in the event of regime change, but it remains unclear whether an orderly or chaotic transition situation might ensue and whether such units would be cooperative or antagonistic toward outsiders.

Existing U.S. government authorities and funding sources for addressing emergency proliferation risks are discussed below. According to some press reports, internal U.S. government assessments estimate that as many as 75,000 military personnel could be required to fully secure various WMD-related sites in Syria.⁵⁸ One report suggests that due to the age and probable poor condition of Syria's chemical stockpiles, any international effort to dispose of the weapons could take years and significant numbers of troops for force protection around chemical depots.⁵⁹ Secretary of Defense Hagel told the Senate Armed Services Committee on April 18, 2013, that more than \$70 million in Cooperative Threat Reduction funds are being used to assist Syria's neighbors to bolster border defenses and prevent WMD proliferation from Syria.

⁵⁶ Rachel Oswald, "U.S. Watching Syrian Chemical Arms Amid Fear of Attack, Diversion," *Global Security Newswire*, December 5, 2011.

⁵⁷ Syria has signed but not ratified the Biological and Toxin Weapons Convention (BWC). Syria has not signed or ratified the Chemical Weapons Convention (CWC).

⁵⁸ Barbara Starr, "Military: Thousands of troops needed to secure Syrian chemical sites," *CNN.com*, February 22, 2012. The President restated established U.S. policy. On July 18, 2012, U.S. Secretary of Defense Leon Panetta said, "We've made very clear to [the Syrian government] that they have a responsibility to safeguard their chemical sites and that we will hold them responsible should anything happen with regards to those sites." See Secretary Panetta Remarks with United Kingdom Defense Secretary Philip Hammond, July 18, 2012; and, Remarks by the President to the White House Press Corps, August 20, 2012.

⁵⁹ "Seizing Syrian chemical arms could take 75,000 troops," *International Herald Tribune*, November 17, 2012.

Outlook and Future Policy Considerations for Congress

As the situation in Syria remains fluid and unresolved, U.S. policymakers must simultaneously plan for a possible political transition and reconstruction or civil war of unpredictable duration. Ambassador Robert Ford outlined four main concerns that guide current U.S. policy when he testified before Congress in April 2013:

there are, I think, four key things that we're working towards. First and foremost, we do not want Syria's very large stock of chemical weapons to be used or to fall into the hands of terrorist groups. Second, we do not want Syria to become a base for terrorist operations. In addition, it needs to be a source of stability in the region more broadly. And the large refugee flows out of Syria are actually straining the neighboring states now and, in particular, straining Jordan and Lebanon but to a lesser extent Turkey and Iraq. And we do not think that these things can be achieved without a political transition, a negotiated political transition. If we don't have a negotiated transition... our view is that the move towards fragmentation in Syria will continue.⁶⁰

Also in April 2013, DNI Clapper stated in testimony before the House Permanent Select Committee on Intelligence that, "The most likely scenario that we see is even after Assad falls, there's probably more fractionization (sic), if I can use that word, both geographically and on a sectarian basis. That for some period of time, we're not sure, but at least a year, year and a half, there would be continued inter-sectoral competition and fighting, which will be very localized."⁶¹

Regardless of the outcome Syria is likely to face a humanitarian crisis bereft of state services and security. The prospect of a prolonged security vacuum is of particular concern, as radical Islamist militias or Iranian proxies could become more firmly entrenched, acquire more sophisticated weaponry, assert control over territory, and threaten U.S. interests. The potential proliferation or use of chemical weapons from Syria's multiple stockpiles also is of major concern to U.S. officials. Additionally, multiple reports indicate the danger of increased spillover violence along Syria's borders with Lebanon, Turkey, Israel, and Jordan. Administration officials and Members of Congress may choose to discuss alternate scenarios and relevant funding and authorization needs in anticipation of the prolonged crisis facing Syria and its neighbors.

Possible Appropriations and Authorization Issues⁶²

In considering and preparing for possible scenarios in Syria, Members of Congress might consider current and likely future requests for appropriations and authorization from the Administration. Syria's economic situation was difficult prior to the conflict, and the Obama Administration expects that security and reconstruction costs in Syria will be considerable and will require international contributions.⁶³ International organizations are already identifying

⁶⁰ Testimony of Ambassador Robert Ford, Senate Foreign Relations Committee, April 11, 2013.

⁶¹ Testimony of Director of National Intelligence James Clapper, House Permanent Select Committee on Intelligence, April 11, 2013.

⁶² CRS Specialist in Foreign Policy Legislation Dianne Rennack (ext. 7-7608) contributed to this section.

⁶³ On August 15, 2012, State Department spokesperson Victoria Nuland said, "Syria is not Iraq. It doesn't have that great, vast natural wealth. And depending on how long this goes on, we are already seeing a lot of the economic (continued...)"

shortfalls in funding and material to respond to the humanitarian needs of Syrians affected by the conflict, and those needs, along with reconstruction costs, could drastically increase if fighting worsens and persists.

Given U.S. national security concerns about terrorism, weapons of mass destruction, and the regional security effects of conflict and potential regime change in Syria, it seems likely that engagement between Congress and the Administration will continue to focus on those areas. However, as part of a transition or negotiated settlement, the U.S. government could be asked to financially support the repatriation or resettlement of Syrian refugees or to provide economic assistance to Syria through contributions at future donors' conferences and/or through international financial institutions. The United Nations, NATO, or the Arab League could be asked to fund, staff, and equip an international peacekeeping or monitoring operation inside Syria. Congress may choose to define authorization criteria and identify potential funds for U.S. contributions to such operations, including through reviewing current recurring obligations in the Peacekeeping Operations (PKO) or Contributions to International Peacekeeping Activities (CIPA) accounts.

Existing Restrictions and Authorities

Syria is among those states explicitly designated in the FY2012 foreign operations appropriation act (Division I of P.L. 112-74; 125 Stat. 1164) as being prohibited from receiving direct aid (§7007; 125 Stat. 1195). However, a number of provisions in that law could make funds available “notwithstanding” other provisions within that law or other laws, including funds for nonproliferation, anti-terrorism, demining and related programs (125 Stat. 1185), foreign military financing as it applies to demining (125 Stat. 1187), contingency funds (§7034(f); 125 Stat. 1214), and democracy promotion (§7034(h); 125 Stat. 1214).

The President also is granted special authority, under Section 614 of the Foreign Assistance Act of 1961, to “authorize the furnishing of assistance without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act” if he finds it is “important to the security interests of the United States” and so notifies Congress. Under this provision, the President could make available up to \$50 million in a given fiscal year to Syria. The President is currently using this authority to provide assistance to the Syrian opposition. The Administrator of the U.S. Agency for International Development (USAID) also is authorized to provide agricultural commodities to meet emergency food needs “notwithstanding any other provision of law” pursuant to Title II of P.L. 480.

Securing Weapons Supplies and Sites⁶⁴

There are two existing authorities and likely sources of funding for U.S. government programs that could be used for efforts to secure or dismantle Syrian weapons of mass destruction or

(...continued)

underpinnings of Syria's prosperity at risk from this fighting. So there's going to have to be a serious rebuilding job that will be Syrian-led obviously, but the international community has to be ready to support, so we're beginning to think about those things.”

⁶⁴ Prepared by CRS Specialist in Nonproliferation Mary Beth Nikitin, ext. 7-7745.

advanced conventional weapons in an emergency scenario. The State Department's Nonproliferation and Disarmament Fund (NDF) has authority to spend funds "notwithstanding any other provision of law" and is authorized to work in states outside the former Soviet Union.⁶⁵ The Department of Defense's Cooperative Threat Reduction (CTR) program has "notwithstanding" authority for use of a limited amount of CTR funds in an emergency situation, including outside the former Soviet Union.⁶⁶

Addressing Syria's State Sponsor of Terrorism Status

The Administration and Congress may wish to discuss ways to address Syria's legal status as a state sponsor of international terrorism in anticipation of any need to provide foreign assistance to a transitional Syrian government. Similarly, the designation of the Al Nusra Front as a Foreign Terrorist Organization and pursuant to E.O. 13224 may complicate U.S.-funded operations in areas under Al Nusra influence or control. Syria has long been identified as a sponsor of terrorism for the purposes of Section 620A of the Foreign Assistance Act of 1961 and Section 6(j) of the Export Administration Act of 1979. This status reflects long-standing Syrian government support for Hezbollah and Palestinian terrorist groups. It remains unclear how any post-Asad government might relate to those groups and other U.S.-designated foreign terrorist organizations. Since Syria has long been identified as a sponsor of terrorism for the purposes of Section 620A of the Foreign Assistance Act of 1961, the President may be required to either issue a national security waiver to provide certain types of assistance to a post-Asad Syrian government or to remove Syria's designation as a state sponsor of terrorism in consultation with Congress.

Section 620A affords the President two options to remove a terrorist designation: (1) he may immediately remove a designation if there is a "fundamental change in the leadership and policies of the government" of the targeted country, and that government does not support acts of terrorism and has provided assurances that it will not in the future; or (2) he may remove a designation for a government after 45 days if that government has not supported international terrorism for a period of six months and has made assurances to not provide such support in the future.

The President is also authorized to provide assistance pursuant to the Foreign Assistance Act of 1961 regardless of the terrorism designation in the following instances: He may make assistance available for health and disease prevention programs, including funding for HIV/AIDS, tuberculosis, and malaria treatment and prevention efforts (Section 104(c)(4)); he may provide up to \$25 million in any fiscal year for unanticipated contingencies (Section 451); and to some

⁶⁵ The FY2003 Consolidated Appropriations Resolution (P.L. 108-7) authorized the Department of State to use the Nonproliferation and Disarmament Fund (NDF) "for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so." Appropriated NDF funds remain available until expended.

⁶⁶ The "notwithstanding" authority has not been exercised since it was first authorized in Section 1305 of the FY2010 Defense Authorization bill (P.L. 111-84). Available funds are limited to ten percent of total CTR appropriations. Required determination and notification provisions would necessitate the concurrence of the Secretary of State and the Secretary of Energy. Notification of how funds will be spent must be submitted to the foreign affairs, appropriations and armed services committees. The law requires that funds are used for threats "arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise" that must be addressed urgently; and that "certain provisions of law would unnecessarily impede the Secretary's ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats" (i.e., notwithstanding authority is necessary).

extent he may fund international narcotics control and anticrime programs (Sections 481, 491, respectively). Furthermore, he may furnish defense articles or services in exchange for “necessary or strategic raw material” if he finds it in the U.S. national interest to do so (Section 663).

Under Sections 571 and 582 of the act, the President has broad authority to provide anti-terrorism and nonproliferation assistance to foreign countries notwithstanding other provisions of law, with the exception of human rights and terrorism related restrictions in Section 502B and 620A of the act. Section 620A would restrict the provision of such assistance, in addition to peacekeeping assistance under Section 551 of the act, without a national security waiver. Given the time and certification requirements for removing the designation, it is likely the Administration would seek authorization for the provision of such assistance through such a waiver.

Given the time and certification requirements for rescinding the designation of a state sponsor of international terrorism, the President may seek separate, superseding authorization from Congress for the provision of assistance to Syria, issue a national security waiver of terrorism related restrictions, or invoke existing notwithstanding authorities included in current foreign operations appropriations legislation. The Bush Administration sought and Congress granted separate authorization for Iraq in 2003 for similar reasons: President Bush rescinded Iraq’s status as a state sponsor of terrorism in May 2003 under authority granted by Congress in supplemental appropriations legislation.⁶⁷

Other Questions for Congressional Oversight

Possible questions that Congress may wish to consider in light of recent developments include the following.

- What should be the overarching goals of U.S. policy toward Syria? To protect civilians? To further the opposition cause of removing President Asad from power? To secure chemical weapons and prevent extremist groups from taking hold? Can these aims be separated in principle? On the ground?
- What might follow Asad’s departure? Would a negotiated solution that preserved elements of the current government be acceptable to the United States? Why or why not?
- What authorities and appropriated funds might the Administration seek under various scenarios? How can existing authorities and appropriations be used to respond to various needs? What is the Administration’s view with regard to addressing Syria’s status as a state sponsor of terrorism in the event of Asad’s departure?

⁶⁷ President Bush rescinded Iraq’s status as a state sponsor of terrorism pursuant to Section 1503 of P.L. 108-11 by issuing a memorandum to the Secretaries of State and Commerce and notifying Congress. Section 1503 states “that the President may make inapplicable with respect to Iraq Section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism. ...provided further that the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.” See President George W. Bush, Message to the Congress Reporting the Declaration of a National Emergency With Respect to the Development Fund for Iraq, May 22, 2003.

- How are other countries responding to the crisis? Who is willing and able to implement humanitarian or military intervention proposals? On what authority? With what specific resources or forces, for what period, and at what cost? How might direct or indirect military intervention affect ongoing relief and diplomacy initiatives?
- What potential risks and unintended consequences may stem from various intervention proposals? What are the potential risks and consequences of opting not to intervene? How will regional security be affected?
- What signals might suggest that a collapse of the Syrian regime is imminent? What signals might suggest that the current pattern of conflict by attrition will persist? What developments could trigger direct intervention by regional actors, and how should the United States respond to intervention?
- What political and security fault lines exist among Syrian opposition groups and how might various scenarios affect prospects for conflict or cooperation between them?
- What role are extremist groups playing in the violence and what might their future role be in Syria if the conflict ends? How can the United States best limit opportunities for violent extremist groups to take advantage of continued conflict or regime change in Syria?
- How can the United States prevent the use, theft, or transfer of Syria's unconventional weapons? How can the United States and its allies prepare to secure and limit the proliferation of conventional weapons stockpiles in Syria, including missiles?
- How should the United States respond to the humanitarian needs of the Syrian people and address the impact of Syrian refugees on neighboring countries?
- What steps should the United States take in its engagement with Syrian opposition groups and regional actors to increase the likelihood of a post-conflict transition process that will lead to stability for Syria and the region? Are secular and Islamist Syrian opposition groups likely to prove hostile to Israel? How might regime change affect prospects for a Syrian-Israeli peace agreement? How likely are Syrian Kurds to remain at odds with Turkey and Syrian Arabs?
- What steps is the Administration taking to ensure that the policies of U.S. assistance recipients with regard to weapons of mass destruction, weapons proliferation, terrorism, and human rights are compatible with U.S. goals and interests? How credible are opposition leaders' commitments on these issues?
- What are the risks of additional spillover violence in Lebanon, Turkey, Israel, and Jordan, and what steps should the United States take to eliminate or minimize these risks? Would a greater spread of violence across borders change the U.S. calculus regarding military intervention? If so, please explain how.

Legislation introduced in the 113th Congress related to Syria is summarized in **Appendix A**. Legislation introduced in the 112th Congress related to Syria is summarized in **Appendix B**. **Table D-1** in **Appendix D** summarizes U.S. sanctions activity since the start of the uprising in March 2011.

Appendix A. Syria Legislation in the 113th Congress

Bills

- S. 960, the Syria Transition Support Act of 2013, would, among other things, authorize the President, notwithstanding any other provision of law that restricts assistance to Syria, to provide assistance, including defense articles, defense services, and training to vetted members of the Syrian Supreme Military Council, units of the Free Syrian Army, and other Syrian entities opposed to the government of Bashar al Asad. The bill would grant broad authority to provide humanitarian assistance to the Syrian people and authorize the creation of a \$250 million Transition Fund to provide security, transitional justice, democracy building, and governance capacity building support as part of a post-Asad transition. The bill would also prohibit U.S. military aid to U.S.-designated Foreign Terrorist Organizations (such as Jabhat al Nusra) and would prohibit surface-to-air defense systems including shoulder fired missiles from being transferred to any armed Syrian group unless the President certifies certain conditions. Approved by the Senate Foreign Relations Committee as amended by a 15-3 vote in May 2013.
- H.R. 1327, the Free Syria Act of 2013, would authorize the President “notwithstanding any other provision of law, to provide such assistance as may be necessary for protection of populations affected by the conflict in Syria.” Section 205 of the bill states that, “Nothing in this Act may be construed to authorize the use of military force in Syria by the United States Armed Forces.” The bill would authorize the President “to make available such assistance as may be necessary to enhance the capacity, performance of Syrian opposition-allied local coordination committees.” Would authorize the transfer of any non-designated foreign assistance account funds to “any humanitarian account” in order “to address needs arising as a result of the conflict in Syria.” Would require U.S. economic assistance to be marked “From the American People” with some exceptions.
- Would authorize the President, notwithstanding any other provision of law, to direct the drawdown of defense articles, services, education, and training for eligible groups. Allows lethal assistance with required certification. Would prohibit provision of “anti-aircraft defensive systems” unless a “vital national security interest” waiver, certification, and report are issued. Would require notification of obligations to Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Would require the President to certify that military aid provided is “consistent with the maintenance of regional stability and with the overall security and stability of neighboring friends and allies.” Any anti-aircraft support would require an accompanying report detailing recipients, deployment, targets, risks and benefits. Entities failing to “demonstrate a commitment” to opposing and defeating Assad regime; “establishing a democratic, pluralistic, and peaceful Syria”; and securing and safeguarding WMD would be ineligible as are FTOs and SDGTs. States that security assistance should be provided “to the maximum extent practicable” in accordance with current human rights provisions (22 U.S.C. 2378d).

- Would authorize the President notwithstanding any other provision of law to establish a program with “a Syrian entity” to “secure, safeguard, disable, dismantle, transport out of Syria, or destroy chemical and biological weapons, their precursor and constituent parts and associated equipment, and establish verifiable safeguards against the proliferation of such weapons.”
- Would authorize the President to provide democracy, economic and political stabilization, reconstruction, and reconciliation assistance after determining that the regime of Bashar al Assad is no longer in power, the U.S. government has recognized a transitional government, and that such a transitional government is not controlled by an FTO. Authorization would include “and notwithstanding any other provision of law.”
- Would authorize the President to temporarily suspend for 3 month intervals the requirements of P.L. 108-75 and “any other provision of law relating to assistance, trade, finance, the provision of defense articles and defense services, and the issuance of visas to nationals of Syria” following a determination that a post-Assad government “is demonstrating a verifiable commitment” to ceasing terrorist support; preventing missile and WMD transfer; dismantling WMD programs, refraining from threatening U.S. national security, interests, and allies; respecting boundaries and sovereignty of neighbors; and upholding human rights. Would provide for two six month renewals pending “substantial progress” determinations. Would provide for additional renewals upon determination of achievement of security conditions and substantial progress on human rights.
- S. 617, the Syria Democratic Transition Act of 2013, a bill that would state that it is the policy of the United States – “to support civilians and innocent victims of the conflict in Syria”; “that the National Coalition for Syrian Revolutionary and Opposition Forces (SC) is the sole and legitimate representative of the Syrian people”; “...to support the National Coalition for Syrian Revolutionary and Opposition Forces (SC) efforts to establish a transitional government”; and, “to affirm that the end of the Assad regime is in the national security interests of the United States.” The bill would authorize the President, “notwithstanding any other provision of law” to furnish assistance “on such terms and conditions as the President may determine” for a series of stated purposes. Would require U.S. economic assistance to be marked “From the American People” with some exceptions. Would authorize the President, “notwithstanding any other provision of law,” to “furnish assistance, and make contributions” to provide training and nonlethal support to armed elements of the Syrian opposition. Would authorize the President, “notwithstanding any other provision of law,” to “conduct activities” in support of securing weapons in Syria. States the President should enact financial sanctions against entities facilitating “significant” arms sales to the Syrian government. Would require implementation reporting within 60 days.

Appendix B. Syria Legislation in the 112th Congress

Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)

- P.L. 112-158/H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012, codifies the sanctions on Syria contained in E.O. 13606 and includes in Title VII, “Sanctions with Respect to Human Rights Abuses in Syria.” This section directs the President to identify and impose specified sanctions on: (1) Syrian government officials or persons acting on behalf of that government who are responsible for or complicit in the commission of serious human rights abuses against Syrian citizens or their family members, regardless of whether such abuses occurred in Syria; (2) persons who knowingly transfer or facilitate the transfer of goods or technologies (weapons, surveillance technology, or technology to restrict free speech or the flow of information) that are likely to be used by Syria to commit human rights abuses against the Syrian people; and (3) persons who engage in censorship that prohibits, limits, or penalizes freedom of expression by Syrian citizens. Section 604 states, “Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.”

FY2013 Appropriations and Authorization Legislation

- In report language accompanying H.R. 5857, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2013, appropriators note under the heading “Global and Regional Programs/ Middle East Response” that “The Committee is troubled by the ongoing violence in Syria and notes that funds under this heading should continue to be made available to assist the Syrian people. All funds for Syria are subject to the notification procedures of the Committees on Appropriations, pursuant to section 7015(f) of this Act.”
- In report language accompanying the Senate version of the bill, S. 3241, appropriators recommended \$2 million for the National Endowment for Democracy programs in Syria. According to the report, “The Committee recognizes the comparative advantages of the NED in the promotion of democracy and human rights abroad, particularly given its status as an NGO, unparalleled experience in promoting freedom during the cold war, and continued ability to conduct programs in the most hostile political environments.”
- House and Senate Amendments to H.R. 4310 and S. 3254, the House and Senate versions of the National Defense Authorization Act for Fiscal Year 2013. See **Amendments** below.

Bills

- H.R. 2105, The Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011—Stated that it shall be U.S. policy to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies. Would have, among other things, prohibited U.S. nuclear

cooperation agreements and related export licenses and transfers of materials, services, and goods with a country that assists the nuclear program of Iran, North Korea, or Syria, or is transferring advanced conventional weapons to such countries.

- H.R. 2106, The Syria Freedom Support Act—Would have, among other things, sanctioned the development of petroleum resources of Syria, the production of refined petroleum products in Syria, and the exportation of refined petroleum products to Syria.
- H.R. 5993, The Syria Non-Intervention Act of 2012—Would have prohibited the use of funds available to the Department of Defense or an element of the intelligence community for the purpose of, or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
- S. 1048, The Iran, North Korea, and Syria Sanctions Consolidation Act of 2011—Amends the Iran, North Korea, and Syria Nonproliferation Act to include in the scope of such act a person that (1) acquired materials mined or extracted within North Korea's territory or control; or (2) provided shipping services for the transportation of goods to or from Iran, North Korea, or Syria relating to such countries' weapons of mass destruction programs, support for acts of international terrorism, or human rights abuses. Excludes from such provisions shipping services for emergency or humanitarian purposes.
- S. 1472, The Syria Sanctions Act of 2011—would have denied companies that conduct business in Syria's energy sector (investment, oil purchases, and sale of gasoline) access to U.S. financial institutions and required federal contractors to certify that they are not engaged in sanctionable activity.
- S. 2034, Syria Human Rights Accountability Act of 2012—Would have imposed sanctions on persons who are responsible for or complicit in certain human rights abuses. Also would have prohibited procurement contracts with persons that export sensitive technology to Syria.
- S. 2101, Iran Sanctions, Accountability, and Human Rights Act of 2012—Would have imposed, among other things, 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.
- S. 2152, Syria Democracy Transition Act of 2012—Would have imposed, among other things, sanctions on foreign financial institutions that conduct transactions with the central bank of Syria.
- S. 2224, Would have required the President to report to Congress on issues related to Syria—Directed the President to report to Congress regarding (1) opposition groups operating inside or outside of Syria to oppose the Syrian government, and (2) the size and security of conventional and non-conventional weapons stockpiles in Syria.
- S. 3498, Syria Humanitarian Support and Democratic Transition Assistance Act of 2012—Made several statements of policy regarding human rights violations, assistance to the Syrian people, weapons security, and support for transitional governance in Syria. Would have directed the President to appoint a Special

Envoy for Syria. Encouraged the President to provide bilateral assistance in the form of relief and transition support and would have authorized “such sums as may be necessary ... for bilateral assistance programs in Syria” for FY2013 and FY2014. Would have authorized increased funding to countries “that have experienced an influx of refugees from Syria.” Encouraged the development of a transition and security plan for Syria and would have required reporting on implementation.

Resolutions

- H.Res. 296/S.Res. 180, A resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Asad Regime—Among other things, it urged the “President to continue to work with the European Union, the Government of Turkey, the Arab League, the Gulf Cooperation Council, and other allies and partners to bring an end to human rights abuses in Syria, hold the perpetrators accountable, and support the aspirations of the people of Syria.”
- H.Res. 632, A resolution that, among other things, commended the leadership of the Government of Turkey in calling for an end to the violence in Syria and for its responsiveness to the humanitarian needs of Syrian refugees.
- H.Res. 687, A resolution that, among other things, called on the United Nations Security Council, based on evidence that crimes against humanity have been perpetrated by Syrian government forces, to refer the situation of Syria to the International Criminal Court.
- H.Res. 763, A resolution that, among other things, called on all parties in the conflict in Syria to respect the human rights and religious freedom of Syrian citizens.
- H.Res. 770, Expressed the sense of the House of Representatives that (1) only Congress has the constitutional authority to declare war, (2) President Obama should set clear objectives for the U.S. Armed Forces before sending them into battle, (3) President Obama should indicate a direct national security interest in placing the U.S. Armed Forces in harm’s way, and (4) the government of Syria has surrendered all claims of legitimacy by massacring its own people and should peacefully transfer power to a democratically elected government.
- S.Res. 370/H.Res. 549, A resolution calling for democratic change in Syria, would state the Senate’s condemnation of “ongoing, widespread, and systemic violations of human rights conducted by authorities in Syria” and calling on Bashar al Asad to step down. The non-binding resolution would have urged the President to support a democratic transition in Syria, establish a Friends of Syria Contact Group, develop a strategy to encourage further military defections, and “develop a plan to identify weapons stockpiles and prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.”
- S.Res. 379, A resolution that, among other things, expressed strong disappointment with the Governments of the Russian Federation and the People’s Republic of China for their veto of the United Nations Security Council resolution condemning Bashar al Asad and the violence in Syria and urged them to reconsider their votes.

- S.Res. 391/H.Res. 629, A resolution that, among other things, called on Syria to (1) open the country to independent and foreign journalists; and (2) release all detained journalists, videographers, and bloggers.
- S.Res. 424, A resolution that, among other things, supported calls by Arab leaders to provide the people of Syria with the means to defend themselves against Bashar al-Assad and his forces, including through the provision of weapons and other material support, and called on the President to work closely with regional partners to implement these efforts effectively; urged the President to take all necessary precautions to ensure that any support for the Syrian opposition does not benefit individuals in Syria who are aligned with al Qaeda or associated movements, or who have committed human rights abuses; and affirmed that the establishment of safe havens for people from Syria, as contemplated by governments in the Middle East, would be an important step to save Syrian lives and to help bring an end to Mr. Assad's killing of civilians in Syria, and called on the President to consult urgently and thoroughly with regional allies on whether, how, and where to create such safe havens.
- S.Res. 428, A resolution that, among other things, urged the President to formally establish the Atrocities Prevention Board established by Presidential Study Directive-10 in August 2011, and for the Board to provide recommendations to the President concerning the prevention of mass atrocities in Syria.
- S.Res. 435, A resolution that, among other things, strongly urged all Governments, including the Republic of Belarus and the Democratic People's Republic of Korea, to refrain from providing any additional military or security assistance to the Government of Syria.
- S.Res. 494, A resolution that, among other things, condemned the Government of the Russian Federation for its long-standing and ongoing support for the criminal regime of President Bashar al-Assad in Syria.

Amendments

- H.Amdt. 1131 to H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, agreed in the House of Representatives May 18, 2012, an amendment to limit the availability of funds for Cooperative Threat Reduction activities with Russia until the Secretary of Defense can certify that Russia is no longer supporting the Syrian regime and is not providing to Syria, North Korea, or Iran any equipment or technology that contributes to weapons of mass destruction programs.
- S.Amdt. 3262 to S. 3254, the National Defense Authorization Act for Fiscal Year 2013, agreed to in the Senate December 4, 2012, and incorporated in the conference bill H.R. 4310, an amendment to require the Secretary of Defense to submit a report to congressional defense committees identifying options to "deny or significantly degrade" the Syrian military's ability to use air power against civilians and the opposition. Specifically, the report would require an assessment of the deployment of air defense systems, the establishment of no-fly zones, limited air strikes, or "other military activities."
- Section 1295 of H.R. 4310, the conference version of the National Defense Authorization Act for Fiscal Year 2013, requires the Administration to provide a

report within 90 days of enactment on military assistance provided by the Russian Federation to Syria.

Appendix C. Chronology of United Nations Action on Syria

Date	Action
August 3, 2011	The Security Council issued a presidential statement that expressed profound regret over hundreds of deaths in Syria, condemned widespread violations of human rights against civilians by Syrian authorities, and called for an immediate end to violence in Syria, urging all sides to act with utmost restraint. It also called for access for humanitarian workers for Syrian authorities to follow through on commitments they had made to reform. Lebanon disassociated itself from the statement after its release.
October 4, 2011	The Security Council failed to adopt a resolution that would have, among other things, voiced deep concern over violence in Syria and strongly condemned “the continued grave and systematic human rights violations and the use of force against civilians by the Syrian authorities.” It called for “an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of Syria’s population.” Russia and China voted against the resolution, and Brazil, India, Lebanon, and South Africa abstained.
February 4, 2012	The Security Council failed to adopt a resolution that would have, among other things, adopted an Arab League plan outlining a Syrian-led political transition to a democratic, plural political system. The resolution had called on the Syrian government to cease violence against civilians, withdraw its armed forces from cities and towns and return them to their barracks, guarantee the freedom of peaceful demonstrations, and allow unhindered access for all Arab League institutions to “determine the truth about the situation on the ground and monitor the incidents taking place.” Russia and China voted against the resolution.
February 23, 2012	United Nations Secretary-General Ban Ki-moon and Secretary-General of the League of Arab States Nabil Elaraby appointed Kofi Annan as United Nations-League of Arab States Joint Special Envoy for Syria.
April 5, 2012	The Security Council issued another presidential statement that, among other things, noted the Syrian government commitment on March 25, 2012, to implement Kofi Annan’s six-point peace proposal. The statement also called upon the Syrian government to implement an U.N.-brokered cease-fire by withdrawing troops from population centers by April 10, 2012. It also called upon all parties, including the Syrian opposition, to cease all armed violence no later than April 12, 2012.
April 14, 2012	The Security Council passed Resolution 2042, which approved the deployment of a U.N. advance team of 30 military observers to Syria. It also demanded that the Syrian authorities withdraw security forces from population centers and begin a dialogue with the opposition. The vote marked the first time since protests began that the Security Council was united in demanding a halt to the violence.
April 21, 2012	The Security Council passed Resolution 2043, which established—for a 90-day period—a United Nations Supervision Mission in Syria (UNSMIS) with an initial deployment of up to 300 unarmed military observers under the command of a Chief Military Observer. The resolution also created a civilian team to help implement elements of the full peace plan, such as the start of a national political dialogue and the government’s granting of the right to demonstrate.
June 16, 2012	UNSMIS Commander Norwegian Major General Robert Mood suspended observation patrols due to increased violence.
July 19, 2012	The Security Council failed to adopt a proposed resolution that would have, among other things, threatened sanctions on Syria if demands to end the violence were not met. Permanent members China and Russia voted against the resolution and Pakistan and South Africa abstained. The resolution would have had the Security

July 20, 2012	<p>Council act under Chapter VII of the United Nations Charter to demand verifiable compliance—within 10 days of the adoption—with its demands in previous resolutions that Syrian authorities pull back military concentrations from population centers and cease the use of heavy weaponry against them.</p> <p>The Security Council passed UNSCR 2059 which extended the UNSMIS mission for an additional 30 days. It also conditioned any further renewal of UNSMIS on the cessation of the use of heavy weapons by the government and a reduction in violence by all sides.</p>
August-September 2012	<p>United Nations-League of Arab States Joint Special Envoy for Syria, Kofi Annan announced his intention to resign upon the expiration of his mandate on August 31, 2012. Algerian diplomat Lakhdar Brahimi replaces Annan as Joint Special Envoy and begins diplomatic engagement with international parties and the Assad government.</p>
October 2012	<p>Brahimi proposes a ceasefire linked to the Islamic holiday of Eid al Adha that is considered and adopted by the government and some opposition groups, but quickly breaks down.</p>
November-December 2012	<p>Brahimi warns that state failure may result from continued fighting in Syria and renews calls for a negotiated political solution based on the July 2012 communique of the Action Group on Syria.⁶⁸ U.N. Secretary General Ban Ki-moon reports his concern “that the presence of armed members of the opposition and the ongoing military activities of the Syrian security forces [in the Golan Heights area] have the potential to ignite a larger conflict between Israel and the Syrian Arab Republic with grave consequences.” The United Nations suspends operations in Syria on December 3, citing deteriorating security conditions.</p> <p>On December 19, the United Nations, humanitarian organizations, and the government of Syria released estimates and appeals for assistance for Syrian refugees as well as those displaced or otherwise in need in Syria. A U.N. <i>Syria Regional Response Plan</i> seeks \$1 billion for Syrian refugees through the first half of 2013. A U.N. <i>Humanitarian Assistance Response Plan for Syria</i>, prepared in part by the government of Syria, seeks \$519 million to support Syrians affected by the conflict through the first half of 2013.</p>
January-April 2013	<p>On January 30, U.N. member states, agencies, and non-governmental organizations convened an International Humanitarian Pledging Conference for Syria held in Kuwait. At the conference, several countries made new pledges of funding to support humanitarian assistance for Syrians. Several of the largest donors included Kuwait, the UAE, United States, and European Commission.</p> <p>In February 2013, the U.N. Commission of Inquiry on Syria released a report noting that large parts of the country are scenes of “continuous combat, involving more brutal tactics and new military capabilities on all sides.”</p> <p>In March 2013, U.N. High Commissioner for Refugees Antonio Guterres testified before the Senate Foreign Relations Committee and described the Syrian humanitarian crisis “dramatic beyond description.” He also warned that the refugee flows into neighboring countries will have an “unimaginable impact on the economy, the society and the security of these countries.”</p> <p>In April 2013, various U.N. officials published an OpEd in the <i>New York Times</i> in which they called on “political leaders involved” to reach a political solution to the Syrian civil war, writing that “We ask that they use their collective influence to insist on a political solution to this horrendous crisis before hundreds of thousands more people lose their homes and lives and futures—in a region already at the tipping point.”</p>

⁶⁸ Available at <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf>.

June 2013 (Limited Sanctions Relief)

On June 12, Secretary Kerry announced a partial waiver of preexisting Syrian Accountability Act sanctions restricting exports to Syria to allow, subject to case-by-case review, the export and reexport of certain items to rebel controlled areas. The items available to be licensed under the sanctions change are commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure.

Appendix D. U.S. Sanctions on Syria

Overview

At present, a variety of legislative provisions and executive directives prohibit U.S. aid to Syria and restrict bilateral trade. Syria remains a U.S.-designated State Sponsor of Terrorism and is therefore subject to a number of general U.S. sanctions. Syria was placed on the State Department's State Sponsors of Terrorism List in 1979. Moreover, between 2003 and 2006 Congress passed legislation and President Bush issued new executive orders that expanded U.S. sanctions specifically on Syria.

- The table below reviews sanctions introduced since early 2011 in response to Syria's uprising.
- Syria-specific sanctions and general sanctions applicable to Syria are also summarized below.

Background on U.S. Assistance to Syria and Restrictions

Because of a number of legal restrictions and U.S. sanctions, many resulting from Syria's designation as a country supportive of international terrorism, Syria is no longer eligible to receive U.S. foreign assistance. Between 1950 and 1981, the United States provided a total of \$627.4 million in aid to Syria: \$34.0 million in development assistance, \$438.0 million in economic support, and \$155.4 million in food assistance. Most of this aid was provided during a brief warming trend in bilateral relations between 1974 and 1979. Significant projects funded with U.S. assistance included water supply, irrigation, rural roads and electrification, and health and agricultural research. No aid has been provided to Syria since 1981, when the last aid programs were closed out. In the event of regime change, the Obama Administration and Congress would need to reevaluate any successor government's policies with regard to support for international terrorism in order to determine Syria's potential eligibility for U.S. assistance.

Syria's Economy and Sanctions

Reports indicate that the Syrian economy and national budget are suffering due to a steep drop in oil exports resulting from sanctions; over a year of domestic unrest and the loss of tourism revenues; and new social and military spending aimed at quelling public anger. Estimates vary on the degree of contraction in 2011, ranging between 5% and 15%.⁶⁹ The Economist Intelligence Unit predicted that the Syrian economy would contract by 8.1% in 2012.

Urban areas are now experiencing daily power outages and fuel shortages; inflation is rising; and the value of the Syrian pound has plummeted, forcing the government to spend resources propping it up. Foreign exchange reserves held by the Syrian Central Bank have reportedly fallen considerably. With the loss of European export markets due to a European Union oil import ban, Syria has been denied a major source of revenue and hard currency (25%-30% of total government revenue or \$4 billion a year).

⁶⁹ "Cracks Widen in Syrian Economy," *IPS*, January 24, 2012.

Before sanctions, the main buyers of approximately 150,000 barrels per day (bpd) of exported Syrian oil were Italy, Germany, France, the Netherlands, Austria, Spain, and Turkey. Prior to the conflict, Syria produced about 380,000 bpd total.⁷⁰ Foreign oil companies that have suspended operations in Syria include Tatneft (Russia), Royal Dutch/Shell Group, Total (France), Gulfsands (UK), Suncor (Canada), and INA (Croatia). In March 2012, Syrian officials announced that the Russian energy company Gazprom would take over INA's oil and gas operations in Syria. The operating status of two Chinese companies with investments in Syria, CNPC and Sinopec, is unknown.⁷¹ Western countries also have banned non-licensed investment in Syria's oil and gas sector, and energy traders and shipping firms also report changes to their engagement with Syria. European sanctions do not ban the export of liquid petroleum gas (LPG) to Syria, since it is widely used by ordinary households for heating and cooking.

Since new sanctions were enacted, many analysts have speculated about whether new investors and new foreign markets would arise for Syrian oil exports, albeit at lower prices due to sanctions and increased shipping, insurance, and financing costs. Some experts believe that both India and China are in a position to refine the heavy crude that Syria exports. However, others assert that some Asian buyers would find the prospect of purchasing Syrian oil too risky or politically problematic. Venezuela has supplied Syria with shipments of diesel fuel in exchange for Syrian naphtha, a refined petroleum product. In 2012, Venezuelan Energy Minister Rafael Ramirez referred to "a high level of cooperation with Syria, a besieged nation, whom the transnational interests want to bring down." Other reports have suggested that Russia and Iran export gasoil and diesel to Syria.⁷² Syrian officials have referenced negotiations for fuel import deals with Russia, Iran, and Algeria.⁷³

⁷⁰ Though oil production declined in 2011, natural gas production increased by 8% due to investment in gas infrastructure made before unrest began.

⁷¹ "Syria: Voting with their feet," *Economist Intelligence Unit*—Business Middle East, January 16, 2012.

⁷² "How Russia, Iran keep fuel flowing to Syria," *Reuters*, April 26, 2012.

⁷³ "Syria, Russia Negotiating Long-Term Gas, Diesel Fuel Contracts," *ITAR-TASS World Service*, May 25, 2012.

Table D-1. U.S. Sanctions Against Syria in 2011-2013
(Implemented by Treasury Department's Office of Foreign Assets Control [OFAC])

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
May 16, 2013	Najm Hamad al Ahmad, Minister of Justice, Fahd Jassem al Freij, Deputy Commander-in-Chief of the Army and the Armed Forces and Minister of Defense, Abu Muhammad al-Jawlani, Sa'ad Abdel-Salam al Nayef, Minister of Health, and Adnan Abdo al Sukhni, Minister of Industry. OFAC also added dozens of Syrian aircraft to its SDN list.	Added to OFAC's Specially Designated Nationals (SDN) List
April 18, 2013	Removed Nabil Rafik Al Kuzbari from the SDN list.	Syria Designation Removal
March 15, 2013	Authorizes U.S. persons to provide to the National Coalition of Syrian Revolutionary and Opposition Forces certain services, including transfers of funds, otherwise prohibited by Executive Order 13582	Syria General License No. 16 Issued
December 11, 2012	Two senior leaders of the Syria-based Al Nusra Front, Maysar Ali Musa Abdallah al-Juburi and Anas Hasan Khattab, for acting on behalf of al-Qa'ida in Iraq (AQI).	Added to OFAC's Specially Designated Nationals (SDN) List pursuant to Executive Order 13224
December 11, 2012	Jaysh al-Sha'bi and Shabiha (two armed militia groups that operate under the control of the Syrian government) and two Shabiha commanders Ayman Jaber and Mohammed Jaber	Added to OFAC's Specially Designated Nationals (SDN) List pursuant to Executive Orders 13572 and 13582 variously
September 19, 2012	Amr Armanazi, director of Syria's Scientific Studies Research Center, Army Supply Bureau, involved in missile procurement, and Belarus-based Belvneshpromservice	Added to OFAC's Specially Designated Nationals (SDN) List
September 14, 2012	Hasan Nasrallah, Hezbollah's Secretary General, is being designated pursuant to Executive Order (E.O.) 13582, for providing support to the Syrian government.	Added to OFAC's Specially Designated Nationals (SDN) List, pursuant to E.O. 13582
August 14, 2012	Riyad Hijab, former Prime Minister	Post-defection removal from OFAC's Specially Designated Nationals (SDN) List
August 10, 2012	Hezbollah, SYTROL	Added to OFAC's Specially Designated Nationals (SDN) List, pursuant to E.O. 13582

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
July 18, 2012	<p>Omran Ahed Al-Zoubi, Minister of Information; Subhi Ahmad Al-Abdullah, Minister of Agriculture and Agrarian Reform; Safwan Al-Assaf, Minister of Housing and Urban Development; Wael Nader Al-Halqi, Minister of Health; Mohammad Al-Jleilati, Minister of Finance; Hala Al Nasser, Minister of Tourism; Mohammad Abdul-Sattar Al-Sayyed, Minister of Religious Endowments; Yasser Al-Sibaei, Minister of Public Works; Hazwan Al Wazz, Minister of Education; Mansour Fadlallah Azzam, Minister of Presidential Affairs; Nazira Farah Sarkis, Minister of State for Environmental Affairs; Hussein Mahmoud Farzat, Minister of State; Omar Ibrahim Ghalawanji, Deputy Prime Minister for Services Affairs; Radwan Habib, Minister of Justice; Ali Haidar, Minister of State for National Reconciliation Affairs; Bassam Hanna, Minister of Water Resources; Riyadh Hijab, Prime Minister; Mahmoud Ibrahim Said, Minister of Transport; Qadri Jamil, Deputy Prime Minister for Economic Affairs; Imad Mohammad Deeb Khamis, Minister of Electricity; Adib Mayaleh, Governor of Central Bank of Syria; Jassim Mohammad Zakarya, Minister of Social Affairs and Labor; Lubanah Mshaweh, Minister of Culture; Said Mu'zi Hneidi, Minister of Oil and Mineral Resources; Imad Abdul-Ghani Sabouni, Minister of Communications and Technology; Fuad Shukri Kurdi, Minister of Industry; Joseph Jurji Sweid, Minister of State; Mohammad Yehya Moalla, Minister of Higher Education; Mohammad Zafer Mihbek, Minister of Economy and Foreign Trade</p> <p>Business Lab, Drex Technologies(Virgin Islands)^a, Handasieh, Industrial Solutions, Mechanical Construction Factory, Syronics</p>	Added to OFAC's Specially Designated Nationals (SDN) List
May 30, 2012	Syria International Islamic Bank	Added to OFAC's Specially Designated Nationals (SDN) List
May 1, 2012	Foreign Persons/Foreign Entities that have violated, attempted to violate, conspired to violate, or caused a violation of U.S. sanctions against Iran or Syria, or that have facilitated deceptive transactions for persons subject to U.S. sanctions concerning Syria or Iran.	Executive Order 13608—Authorizes the Department of the Treasury to publicly identify foreign individuals and entities that have violated U.S. sanctions against Iran and Syria and generally bars their access to U.S. financial and commercial systems.
April 27, 2012		OFAC issued General License 4A, which authorizes the exports or re-exports to Syria of items licensed or otherwise authorized by the Department of Commerce and of exports and reexports of certain services. General License 4A replaces and supersedes General License 4, dated August 18, 2011.

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
April 23, 2012	Governments of Syria and Iran, Ali Mamluk (Director of the Syrian General Intelligence Directorate), Syrian General Intelligence Directorate, Syriatel, Islamic Revolutionary Guard Corps, Iranian Ministry of Intelligence and Security, Law Enforcement Forces of the Islamic Republic of Iran, Datak Telecom	Executive Order 13606—Blocks the property and suspends entry into the United States of certain persons with respect to grave human rights abuses by the governments of Iran and Syria via information technology.
March 30, 2012	General Munir Adanov (Deputy Chief of General Staff of the Syrian Army), General Dawood Rajiha (Minister of Defense)	Added to OFAC's Specially Designated Nationals (SDN) List
March 5, 2012	General Organization of Radio and TV	Added to OFAC's Specially Designated Nationals (SDN) List
February 23, 2012		OFAC issued General License 15 related to Syria to authorize transactions in connection with patent, trademark, copyright, or other intellectual property protection that would otherwise be prohibited by Executive Order 13582.
February 16, 2012	Iranian Ministry of Intelligence and Security	Added to OFAC's Specially Designated Nationals (SDN) List
December 1, 2011	Muhammad Makhluḥ, Military Housing Establishment, Real Estate Bank	Added to OFAC's Specially Designated Nationals (SDN) List
October 3, 2011		OFAC issued two general licenses related to Syria to authorize payments in connection with overflight or emergency landing and transactions with respect to telecommunications
September 27, 2011		OFAC issued a general license related to Syria to authorize third-country diplomatic and consular funds transfers and to authorize certain services in support of nongovernmental organizations' activities.
September 9, 2011		OFAC issued four general licenses related to Syria to authorize wind down transactions, certain official activities of international organizations, incidental transactions related to U.S. persons residing in Syria and operation of accounts.
August 30, 2011	Walid Muallem (Foreign Minister), Ali Abdul Karim Ali (Syrian Ambassador to Lebanon), Bouthaina Shaaban (Advisor to the President)	Added to OFAC's Specially Designated Nationals (SDN) List
August 18, 2011	Government of Syria	Executive Order 13582—Freezes all assets of the Government of Syria, prohibits U.S. persons from engaging in any transaction involving the Government of Syria, bans U.S. imports of Syrian-origin petroleum or petroleum products, prohibits U.S. persons from having any dealings in or related to Syria's petroleum or petroleum products, and prohibits U.S. persons from operating or investing in Syria.

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
August 18, 2011	General Petroleum Corporation, Syrian Company For Oil Transport, Syrian Gas Company, Syrian Petroleum Company, Sytrol	Added to OFAC's SDN List
August 10, 2011	Commercial Bank of Syria and its Lebanon-based subsidiary, Syrian Lebanese Commercial Bank, Syriatel, the country's main mobile phone operator	Added to OFAC's SDN List
August 4, 2011	Muhammad Hamsho (businessman with ties to Asad family), Hamsho International Group	Added to OFAC's SDN List
June 29, 2011	Jamil Hassan (Head of Air Force Intelligence), Political Security Directorate (PSD, domestic intelligence)	Added to OFAC's SDN List
May 18, 2011	President Bashar al Asad, Farouk al Shara (vice president), Adel Safar (prime minister), Mohammad Ibrahim al Shaar (minister of the interior), Ali Habib Mahmoud (minister of defense), Abdul Fatah Qudsiya (head of Syrian military intelligence), Mohammed Dib Zaitoun (director of political security directorate), Nabil Rafik al Kuzbari, General Mohsen Chizari (Commander of Iran Revolutionary Guard Corp Qods Force suspected of human rights abuses in Syria), Al Mashreq Investment Fund, Bena Properties, Cham Holding, Syrian Air Force Intelligence, Syrian Military Intelligence, Syrian National Security Bureau	Executive Order 13573 adds listed individuals and entities to OFAC's SDN List
April 29, 2011	Maher al Asad, Ali Mamluk (director of the Syrian General Intelligence Directorate GID), Atif Najib (former head of the Syrian Political Security Directorate for Dara'a province and the president's cousin), the General Intelligence Directorate, and Iran's Islamic Revolutionary Guard Corps-Quds Force (for allegedly assisting Syria in its crackdown)	Executive Order 13572 adds listed individuals and entities to OFAC's SDN List

Source: U.S. Treasury Department.

Notes: As part of its enforcement efforts, OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called Specially Designated Nationals or SDNs. Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

- a. According to the Treasury Department, Drex Technologies, "belongs to Assad's billionaire cousin and government insider, Rami Makhluf, who was designated by the Treasury Department in February 2008 under E.O. 13460 for improperly benefiting from and aiding the public corruption of Syrian regime officials. Drex Technologies was designated pursuant to E.O. 13572, which authorizes the United States to sanction any entities owned or controlled by persons designated under E.O. 13460."

Specific Sanctions Against Syria

Specific U.S. sanctions levied against Syria fall into three main categories: (1) sanctions resulting from the passage of the 2003 Syria Accountability and Lebanese Sovereignty Act (SALSA) that, among other things, prohibit most U.S. exports to Syria; (2) sanctions imposed by executive order from the President that specifically deny certain Syrian citizens and entities access to the U.S. financial system due to their participation in proliferation of weapons of mass destruction; association with Al Qaeda, the Taliban, or Osama bin Laden; or destabilizing activities in Iraq and

Lebanon; and (3) sanctions resulting from the USA PATRIOT Act levied specifically against the Commercial Bank of Syria in 2006.

The 2003 Syria Accountability Act

On December 12, 2003, President Bush signed H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act into law, as P.L. 108-175. This law requires the President to impose penalties on Syria unless it ceases support for international terrorist groups, ends its occupation of Lebanon, ceases the development of weapons of mass destruction (WMD), and has ceased supporting or facilitating terrorist activity in Iraq (§§5(a) and 5(d)). Sanctions include bans on the export of military items (already banned under other legislation, see above)⁷⁴ and of dual use items (items with both civil and military applications) to Syria (§5(a)(1)). In addition, the President is required to impose two or more sanctions from a menu of six:

- a ban on all exports to Syria except food and medicine;
- a ban on U.S. businesses operating or investing in Syria;
- a ban on landing in or overflight of the United States by Syrian aircraft;
- reduction of diplomatic contacts with Syria;
- restrictions on travel by Syrian diplomats in the United States; and
- blocking of transactions in Syrian property (§5(a)(2)).

Implementation

On May 11, 2004, President Bush issued Executive Order 13338, implementing the provisions of P.L. 108-175, including the bans on munitions and dual use items (§5(a)(1)) and two sanctions from the menu of six listed in Section 5(a)(2). The two sanctions he chose were the ban on exports to Syria other than food and medicine (§5(a)(2)(A)) and the ban on Syrian aircraft landing in or overflying the United States (§5(a)(2)(D)). In issuing his executive order, the President stated that Syria has failed to take significant, concrete steps to address the concerns that led to the enactment of the Syria Accountability Act. The President also imposed two additional sanctions based on other legislation.

- Under Section 311 of the USA PATRIOT Act, he instructed the Treasury Department to prepare a rule requiring U.S. financial institutions to sever correspondent accounts with the Commercial Bank of Syria because of money laundering concerns.
- Under the International Emergency Economic Powers Act (IEEPA), he issued instructions to freeze assets of certain Syrian individuals and government entities involved in supporting policies inimical to the United States.

⁷⁴ Syria's inclusion on the State Sponsors of Terrorism List as well as SALSA requires the President to restrict the export of any items to Syria that appear on the U.S. Munitions List (weapons, ammunition) or Commerce Control List (dual-use items).

Waivers

In the executive order and in an accompanying letter to Congress, President Bush cited the waiver authority contained in Section 5(b) of the Syria Accountability Act and stated that he wished to issue the following waivers on grounds of national security.

Regarding Section 5(a)(1) and 5(a)(2)(A): The following exports are permitted: products in support of activities of the U.S. government; medicines otherwise banned because of potential dual use; aircraft parts necessary for flight safety; informational materials; telecommunications equipment to promote free flow of information; certain software and technology; products in support of U.N. operations; and certain exports of a temporary nature.⁷⁵

Regarding Section 5(a)(2)(D): The following operations are permitted: takeoff/landing of Syrian aircraft chartered to transport Syrian officials on official business to the United States; takeoff/landing for non-traffic and non-scheduled stops; takeoff/landing associated with an emergency; and overflights of U.S. territory.

On June 12, 2013, Secretary of State John Kerry cited Section 5(b) in order to authorize:

the export and re-export, subject to case-by-case review, of certain U.S.-origin items to liberated areas of Syria for the benefit of the Syrian people. The waiver will authorize the Department of Commerce to process license applications for export and re-exports of commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure. These items are intended to help address the critical needs of the Syrian people and facilitate reconstruction in liberated areas.

Targeted Financial Sanctions

Since the initial implementation of the Syria Accountability Act (in Executive Order 13338 dated May 2004), the President has repeatedly taken action to sanction individual members of the Asad regime's inner circle.⁷⁶ E.O. 13338 declared a national emergency with respect to Syria and authorized the Secretary of the Treasury to block the property of individual Syrians. Based on Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the President has annually extended his authority to block the property of individual Syrians (latest on April 29, 2011).

⁷⁵ According to U.S. regulations, any product that contains more than 10% *de minimis* U.S.-origin content, regardless of where it is made, is not allowed to be exported to Syria. For U.S. commercial licensing prohibitions on exports and re-exports to Syria, see 15 C.F.R. pt. 736 Supp No. 1. The Department of Commerce reviews license applications on a case-by-case basis for exports or re-exports to Syria under a general policy of denial. For a description of items that do not require export licenses, see Bureau of Industry and Security (BIS), U.S. Department of Commerce, Implementation of the Syria Accountability Act, available at http://www.bis.doc.gov/licensing/syriaimplementationmay14_04.htm.

⁷⁶ According to the original text of E.O. 13338, the President's authority to declare a national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or re-exportation of certain goods to Syria is based on "The Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, P.L. 108-175 (SAA), and Section 301 of Title 3, United States Code." available at <http://www.treasury.gov/resource-center/sanctions/Documents/13338.pdf>.

When issuing each extension, the President has noted that the actions and policies of the government of Syria continued to pose an unusual and extraordinary threat.⁷⁷

The following individuals and entities have been targeted by the U.S. Treasury Department (Office of Foreign Assets Control or OFAC):

- On June 30, 2005, the U.S. Treasury Department designated two senior Syrian officials involved in Lebanon affairs, Syria's then-interior minister and its head of military intelligence in Lebanon (respectively, the late General Kanaan and General Ghazali), as Specially Designated Nationals, thereby freezing any assets they may have in the United States and banning any U.S. persons, including U.S. financial institutions outside of the United States, from conducting transactions with them.⁷⁸ Kanaan allegedly committed suicide in October 2005, though some have speculated that he may have been murdered.
- On January 18, 2006, the U.S. Treasury Department took the same actions against the President's brother-in-law, Assef Shawkat, chief of military intelligence.
- On April 26, 2006, President Bush issued Executive Order 13399 that authorized the Secretary of the Treasury to freeze the U.S.-based assets of anyone found to be involved in the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri. It also affects anyone involved in bombings or assassinations in Lebanon since October 2004, or anyone hindering the international investigation into the Hariri assassination. The order allows the United States to comply with UNSCR 1636, which calls on all states to freeze the assets of those persons designated by the investigating commission or the government of Lebanon to be involved in the Hariri assassination.
- On August 15, 2006, the U.S. Treasury Department froze assets of two other senior Syrian officers: Major General Hisham Ikhtiyar, for allegedly contributing to Syria's support of foreign terrorist organizations including Hezbollah; and Brigadier General Jama'a Jama'a, for allegedly playing a central part in Syria's intelligence operations in Lebanon during the Syrian occupation.⁷⁹
- On January 4, 2007, the U.S. Treasury Department designated three Syrian entities, the Syrian Higher Institute of Applied Science and Technology, the Electronics Institute, and the National Standards and Calibration Laboratory, as weapons proliferators under an executive order (E.O. 13382) based on the authority vested to the President under IEEPA. The three state-sponsored institutions are divisions of Syria's Scientific Studies and Research Center, which was designated by President Bush as a weapons proliferator in June 2005 for research on the development of biological and chemical weapons.⁸⁰

⁷⁷ The President last extended the State of Emergency on April 29, 2011.

⁷⁸ See <http://www.treasury.gov/press-center/press-releases/Pages/js2617.aspx>.

⁷⁹ See <http://www.treasury.gov/press-center/press-releases/Pages/hp60.aspx>.

⁸⁰ See <http://www.treasury.gov/press-center/press-releases/Pages/hp216.aspx>.

- On August 1, 2007, the President issued E.O. 13441⁸¹ blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions. On November 5, 2007, the U.S. Treasury Department designated four individuals reportedly affiliated with the Syrian regime's efforts to reassert Syrian control over the Lebanese political system, including Assaad Halim Hardan, Wi'am Wahhab, and Hafiz Makhlef (under the authority of E.O. 13441) and Muhammad Nasif Khayrbik (under the authority of E.O. 13338).⁸²
- On February 13, 2008, President Bush issued another order (E.O. 13460) blocking the property of senior Syrian officials. According to the U.S. Treasury Department, the order "targets individuals and entities determined to be responsible for or who have benefitted from the public corruption of senior officials of the Syrian regime." The order also revises a provision in Executive Order 13338 to block the property of Syrian officials who have undermined U.S. and international efforts to stabilize Iraq.⁸³ One week later, under the authority of E.O. 13460, the U.S. Treasury Department froze the U.S. assets and restricted the financial transactions of Rami Makhlef, a powerful cousin of President Bashar al Asad.

Sanctions Against the Commercial Bank of Syria

As previously mentioned, under Section 311 of the USA PATRIOT Act, President Bush instructed the Treasury Department in 2004 to prepare a rule requiring U.S. financial institutions to sever correspondent accounts with the Commercial Bank of Syria because of money laundering concerns. In 2006, the Treasury Department issued a final ruling that imposes a special measure against the Commercial Bank of Syria as a financial institution of primary money laundering concern. It bars U.S. banks and their overseas subsidiaries from maintaining a correspondent account with the Commercial Bank of Syria, and it also requires banks to conduct due diligence that ensures the Commercial Bank of Syria is not circumventing sanctions through its business dealings with them.⁸⁴

General Sanctions Applicable to Syria

The International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329). Section 303 of this act (90 Stat. 753-754) required termination of foreign assistance to countries that aid or abet international terrorism. This provision was incorporated into the Foreign

⁸¹ On July 29, 2010, President Obama extended that National Emergency with respect to Lebanon for another year, stating that "While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in Lebanon, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States." See Notice of July 29, 2010—Continuation of the National Emergency With Respect to the Actions of Certain Persons to Undermine the Sovereignty of Lebanon or Its Democratic Processes and Institutions, Federal Register, Title 3—The President, p. 45045.

⁸² See <http://www.treasury.gov/press-center/press-releases/Pages/hp666.aspx>.

⁸³ A previous executive order, E.O. 13315, blocks property of former Iraqi President Saddam Hussein and members of his former regime. On June 9, 2005, the Treasury Department blocked property and interests of a Syrian company, SES International Corp., and two of its officials under the authority of E.O. 13315.

⁸⁴ See "U.S. Trade and Financial Sanctions Against Syria." Available at <http://damascus.usembassy.gov/sanctions-syr.html>.

Assistance Act of 1961 as Section 620A (22 USC 2371). (Syria was not affected by this ban until 1979, as explained below.)

The International Emergency Economic Powers Act of 1977 (Title II of P.L. 95-223, codified at 50 U.S.C. §1701 et seq.) Under the International Emergency Economic Powers Act (IEEPA), the President has broad powers pursuant to a declaration of a national emergency with respect to a threat “which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.” These powers include the ability to seize foreign assets under U.S. jurisdiction, to prohibit any transactions in foreign exchange, to prohibit payments between financial institutions involving foreign currency, and to prohibit the import or export of foreign currency.

The Export Administration Act of 1979 (P.L. 96-72). Section 6(i) of this act (93 Stat. 515) required the Secretary of Commerce and the Secretary of State to notify Congress before licensing export of goods or technology valued at more than \$7 million to countries determined to have supported acts of international terrorism. (Amendments adopted in 1985 and 1986 relettered Section 6(i) as 6(j) and lowered the threshold for notification from \$7 million to \$1 million.)

A by-product of these two laws was the so-called state sponsors of terrorism list. This list is prepared annually by the State Department in accordance with Section 6(j) of the Export Administration Act. The list identifies those countries that repeatedly have provided support for acts of international terrorism. Syria has appeared on this list ever since it was first prepared in 1979; it appears most recently in the State Department’s annual publication *Country Reports on Terrorism, 2009*, issued on August 5, 2010. Syria’s inclusion on this list in 1979 triggered the above-mentioned aid sanctions under P.L. 94-329 and trade restrictions under P.L. 96-72.

Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399). Section 509(a) of this act (100 Stat. 853) amended Section 40 of the Arms Export Control Act to prohibit export of items on the munitions list to countries determined to be supportive of international terrorism, thus banning any U.S. military equipment sales to Syria. (This ban was reaffirmed by the Anti-Terrorism and Arms Export Amendments Act of 1989—see below.) Also, 10 U.S.C. 2249a bans obligation of U.S. Defense Department funds for assistance to countries on the terrorism list.

Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). Section 8041(a) of this act (100 Stat. 1962) amended the Internal Revenue Code of 1954 to deny foreign tax credits on income or war profits from countries identified by the Secretary of State as supporting international terrorism. (26 USC 901(j)). The President was given authority to waive this provision under Section 601 of the Trade and Development Act of 2000 (P.L. 106-200, May 18, 2000).

The Anti-Terrorism and Arms Export Control Amendments Act of 1989 (P.L. 101-222). Section 4 amended Section 6(j) of the Export Administration Act to impose a congressional notification and licensing requirement for export of goods or technology, irrespective of dollar value, to countries on the terrorism list, if such exports could contribute to their military capability or enhance their ability to support terrorism.

Section 4 also prescribes conditions for removing a country from the terrorism list: prior notification by the President to the Speaker of the House of Representatives and the chairmen of two specified committees of the Senate. In conjunction with the requisite notification, the President must certify that the country has met several conditions that clearly indicate it is no

longer involved in supporting terrorist activity. (In some cases, certification must be provided 45 days in advance of removal of a country from the terrorist list).

The Anti-Economic Discrimination Act of 1994 (Part C, P.L. 103-236, the Foreign Relations Authorization Act, FY1994-1995). Section 564(a) bans the sale or lease of U.S. defense articles and services to any country that questions U.S. firms about their compliance with the Arab boycott of Israel. Section 564(b) contains provisions for a presidential waiver, but no such waiver has been exercised in Syria's case. Again, this provision is moot in Syria's case because of other prohibitions already in effect.

The Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132). This act requires the President to withhold aid to third countries that provide assistance (§325) or lethal military equipment (§326) to countries on the terrorism list, but allows the President to waive this provision on grounds of national interest. A similar provision banning aid to third countries that sell lethal equipment to countries on the terrorism list is contained in Section 549 of the Foreign Operations Appropriations Act for FY2001 (H.R. 5526, passed by reference in H.R. 4811, which was signed by President Clinton as P.L. 106-429 on November 6, 2000).

Also, Section 321 of P.L. 104-132 makes it a criminal offense for U.S. persons (citizens or resident aliens) to engage in financial transactions with governments of countries on the terrorism list, except as provided in regulations issued by the Department of the Treasury in consultation with the Secretary of State. In the case of Syria, the implementing regulation prohibits such transactions "with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States." (31 CFR 596, published in the *Federal Register* August 23, 1996, p. 43462.) In the fall of 1996, the then chairman of the House International Relations Committee reportedly protested to then President Clinton about the Treasury Department's implementing regulation, which he described as a "special loophole" for Syria.

In addition to the general sanctions listed above, specific provisions in foreign assistance appropriations legislation enacted since 1981 have barred Syria by name from receiving U.S. aid. The most recent ban appears in Section 7007 of P.L. 112-74, Consolidated Appropriations Act, 2012, which states that "None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents."

Section 307 of the Foreign Assistance Act of 1961, amended by Section 431 of the Foreign Relations Authorization Act for FY1994-1995 (P.L. 103-236, April 30, 1994), requires the United States to withhold a proportionate share of contributions to international organizations for programs that benefit eight specified countries or entities, including Syria.

The Iran Nonproliferation Act of 2000, P.L. 106-178, was amended by P.L. 109-112 to make its provisions applicable to Syria as well as Iran. The amended act, known as the Iran and Syria Nonproliferation Act, requires the President to submit semi-annual reports to designated congressional committees, identifying any persons involved in arms transfers *to or from* Iran or Syria; also, the act authorizes the President to impose various sanctions against such individuals. On October 13, 2006, President Bush signed P.L. 109-353 which expanded the scope of the original law by adding North Korea to its provisions, thereby renaming the law the Iran, North

Korea, and Syria Nonproliferation Act (or INKSNA for short). The list of Syrian entities designated under INKSNA includes Army Supply Bureau (2008), Syrian Navy (2009), Syrian Air Force (2009), and Ministry of Defense (2008).⁸⁵ On May 24, 2011, the State Department designated the Industrial Establishment of Defense and Scientific Studies and Research Center (SSRC) under INKSNA.

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⁸⁵ See State Department Press Releases and Documents, “Near East: Iran, North Korea, and Syria Nonproliferation Act: Imposed Sanctions,” July 20, 2010.