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Possible U.S. Intervention in Syria: Issues for Congress

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Summary

Reports of a mass casualty chemical weapons attack in the suburbs of Damascus are reshaping the long-running and contentious debate over possible U.S. intervention in Syria's bloody civil war. Obama Administration officials and some foreign governments report that on August 21, 2013, forces loyal to Syrian President Bashar al Asad attacked opposition-controlled areas in the suburbs of the capital with chemical weapons, killing hundreds of civilians, including women and children. The Syrian government has denied the accusations categorically and blames the opposition for the attack. United Nations inspectors who were in Syria to investigate other alleged chemical weapons attacks collected and are analyzing information related to the incident. Varying accounts suggest that several hundred to more than 1,000 people were killed from exposure to a poisonous gas, with symptoms consistent with exposure to the nerve agent sarin.

Possible punitive U.S. military action against the Asad regime is now the subject of intense debate, amid the broader ongoing discussion of U.S. policy toward the Syrian civil war and its regional consequences. The August 21 incident is the latest in a string of reported instances where Syrian forces appear to have used chemical weapons despite President Obama's prior statement that the transfer or use of chemical weapons is "a red line" that would "change his calculus." The President and senior members of his Administration have argued that the United States has a national security interest in ensuring that "when countries break international norms on chemical weapons they are held accountable." At the same time, President Obama still maintains that extensive, sustained U.S. military intervention to shape the outcome of Syria's civil conflict is undesirable. Prior to the August 21 incident, U.S. military leaders had outlined options to accomplish a range of U.S. objectives, while warning that U.S. military involvement "cannot resolve the underlying and historic ethnic, religious and tribal issues that are fueling this conflict."

Alternatives to military action also are under intense consideration. On September 10, Syrian officials responded to a Russian disarmament proposal by signaling their willingness "to disclose the locations of chemical weapons, to stop producing them, and to reveal these locations to representatives of Russia, other states, and the United Nations" with the goal of "ending our possession of all chemical weapons." Members of the United Nations Security Council began discussing proposals to implement an international framework for such a disarmament initiative.

Members of Congress have expressed a broad range of views on the question of an immediate U.S. military response and the proposed disarmament initiative. Some express support for military action and others express opposition or question how a military response would advance broader U.S. policy goals. Similarly, some Members seek to explore the potential of disarmament proposals and others warn that it may delay a forceful U.S. response or undermine U.S. policy with regard to Syria's civil war. For more than two years, many Members of Congress have debated the potential rewards and unintended consequences of deeper U.S. involvement in Syria. Some Members express concern that the Administration's policy of providing support to the fractured Syrian opposition could empower anti-American extremist groups, while others warn that failure to back moderate forces could prolong fighting and strengthen extremists.

As Members of Congress consider the merits of possible military intervention in Syria, they also are reengaging in long-standing discussions about the proper role for Congress in authorizing and funding U.S. military action abroad and the use of force in shaping global events or deterring dictatorships from committing atrocities. This report attempts to provide answers to a number of policy questions for lawmakers grappling with these short- and long-term issues.

Contents

Update as of September 12, 2013	1
Overview and Summary of Recent Developments	2
Assessment	4
Summary of U.S. Intelligence on August 21 Incident	6
Conflict Update.....	7
Proposed Authorizations for the Use of Military Force.....	9
Historical Perspective.....	9
Current Proposals and the Situation in Syria.....	10
Issues for Congress	12
Chemical Weapons Issues.....	12
War Powers.....	17
Cost and Budgetary Resources for Intervention.....	19
Military Planning.....	24
U.S. Aid to the Opposition	28
Arming the Syrian Opposition	28
Non-Lethal Aid to the Opposition and Economic Sanctions against the Regime	29
U.S. Humanitarian Response.....	31
International Response.....	32
The United Nations Security Council.....	32
Russia	33
China	35
Iran.....	37
European and NATO Perspectives	39
United Kingdom.....	40
France.....	40
Germany.....	41
NATO	42
European Union.....	42
Turkey.....	43
Arab States.....	44
Israel and Its Concern for Potential Retaliation.....	44
Outlook	49

Figures

Figure 1. U.S. Intelligence Community Map of August 21, 2013, Incident.....	6
Figure 2. Syria Conflict Map	8
Figure 3. Possible Ranges of Rockets and Missiles from Hezbollah and Gaza-Based Militants.....	48
Figure 4. Potential Ranges of Syrian SCUD Missiles Vis-à-vis Israel	49

Tables

Table A-1. Proposed Authorizations for the Use of Military Force as of September 6, 2013	52
--	----

Appendixes

Appendix. Analysis of Proposed Authorizations for the Use of Military Force as of September 6, 2013	51
---	----

Contacts

Author Contact Information.....	73
---------------------------------	----

Update as of September 12, 2013

The Syrian government's apparent acceptance of a Russian proposal for Syria to acknowledge its chemical weapons and place them under international control has recast the ongoing debates over how to respond to an August 21 chemical weapons attack and bring an end to the Syrian civil war. Other parties including Senator Richard Lugar had proposed a U.S.-Russian-facilitated disarmament initiative prior to the announcement.¹ On September 10, Syrian officials signaled their willingness "to disclose the locations of chemical weapons, to stop producing them, and to reveal these locations to representatives of Russia, other states, and the United Nations" with the goal of "ending our possession of all chemical weapons."

On September 12, in an interview on Russian television, President Assad reportedly said that "Syria is placing its chemical weapons under international control because of Russia. The U.S. threats did not influence the decision." President Assad also stated that his government will be sending documents "in the next few days" to the United Nations for joining the international convention that bans the use of chemical munitions.

Speaking in a national address on September 10, President Barack Obama said:

... over the last few days, we've seen some encouraging signs, in part because of the credible threat of U.S. military action, as well as constructive talks that I had with President Putin. The Russian government has indicated a willingness to join with the international community in pushing Assad to give up his chemical weapons. The Assad regime has now admitted that it has these weapons and even said they'd join the Chemical Weapons Convention, which prohibits their use.

It's too early to tell whether this offer will succeed, and any agreement must verify that the Assad regime keeps its commitments, but this initiative has the potential to remove the threat of chemical weapons without the use of force, particularly because Russia is one of Assad's strongest allies.

I have therefore asked the leaders of Congress to postpone a vote to authorize the use of force while we pursue this diplomatic path. I'm sending Secretary of State John Kerry to meet his Russian counterpart on Thursday, and I will continue my own discussions with President Putin.

I've spoken to the leaders of two of our closest allies -- France and the United Kingdom -- and we will work together in consultation with Russia and China to put forward a resolution at the U.N. Security Council requiring Assad to give up his chemical weapons and to ultimately destroy them under international control.

President Obama and senior members of his Administration continue to seek authorization from Congress for a limited use of military force against the Assad regime while exploring the potential for the establishment of international control over Syria's chemical weapons stockpiles and related elements of its chemical weapons program.

¹ David M. Herszenhorn, "Lugar Urges U.S. and Russia to Team Up to Rid Syria of Chemical Weapons," *New York Times*, August 7, 2012.

The governments of China, the United Kingdom, and France have responded favorably to the proposal, and, as of September 11, Russia had rejected a French plan for a binding United Nations Security Council resolution that could be enforced with military action. U.S. Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov are scheduled to meet in Geneva, Switzerland, on September 12 to discuss the proposal further. Some Syrian rebel leaders have rejected the proposal and characterized it as a delaying tactic while maintaining their calls for international assistance and punishment of the Syrian government.

Overview and Summary of Recent Developments

On August 30, the Obama Administration presented intelligence analysis stating with “high confidence” that the Syrian government was responsible for an August 21 chemical weapons attack against civilians in rebel-held areas of the suburbs of Damascus. The Syrian government continues to categorically deny any responsibility for any chemical weapons attack.

President Obama called the Syrian government’s reported use of chemical weapons “an assault on human dignity” that “presents a serious danger to our national security.”² He further requested that Congress authorize the use of force for military operations “against Syrian regime targets” to “hold the Assad regime accountable for their use of chemical weapons, deter this kind of behavior, and degrade their capacity to carry it out.” According to the President, such military operations would be “limited in duration and scope” and “would not put boots on the ground.”

In the wake of the Russian disarmament proposal, President Obama requested that lawmakers pause in their formal consideration of proposed legislation to authorize the use of force in Syria. Nevertheless, debate continues among Members of Congress about the pros and cons of proposed authorization approaches as well as the disarmament proposal now under discussion. President Obama has stated his view that “the credible threat of U.S. military action” contributed to the emergence of the disarmament initiative, and has underscored that he has “ordered our military to maintain their current posture to keep the pressure on Assad and to be in a position to respond if diplomacy fails.”

A draft resolution authorizing the use of force submitted to Congress by the White House would authorize the President:

to use the Armed Forces of the United States as he determines to be necessary and appropriate in connection with the use of chemical weapons or other weapons of mass destruction in the conflict in Syria in order to –

(1) prevent or deter the use or proliferation (including the transfer to terrorist groups or other state or non-state actors), within, to or from Syria, of any weapons of mass destruction, including chemical or biological weapons or components of or materials used in such weapons; or

(2) protect the United States and its allies and partners against the threat posed by such weapons.³

² Statement by President Barack Obama, White House, August 31, 2013.

³ CNN, Text of draft legislation submitted by Obama to Congress, August 31, 2013.

Lawmakers in the Senate and House are considering alternative authorization proposals, amid concerns that the Administration's proposed text may not sufficiently limit the scope or duration of any potential military response.⁴ Others reportedly are drafting proposals that would reflect the disarmament proposal under consideration and could seek to make an authorization for the use of U.S. military force contingent on the satisfaction of criteria related to the enforcement of a disarmament agreement.

On September 4, the Senate Foreign Relations Committee debated and adopted an alternative resolution authorizing the use of military force for specific purposes, including to deter further use of chemical weapons and to prevent the transfer to terrorist groups or other state or non-state actors within Syria of any weapons of mass destruction. The provision would limit the deployment of U.S. forces on the ground for "combat operations" but may not constrain the deployment of U.S. forces in Syria for other purposes. As of September 11, the House had not formally considered an alternative authorization proposal, although some Members had circulated draft proposals or introduced measures that would restrict the availability of funds for U.S. military operations or support for opposition groups in Syria.

In Syria, the brutal civil war continues, even as Syrian government forces were reported to be taking measures to prepare for potential U.S.-led military operations against them. President Bashar al Asad has stated that the United States and others accusing it of carrying out chemical weapons strikes have not presented any evidence to support their allegations, and he has warned that external military intervention in Syria's civil war risks igniting a regional conflict. U.S. military officials have confirmed that the Syrian government has taken steps to prepare for potential attacks, but as of September 10, Chairman of the Joint Chiefs of Staff General Martin Dempsey testified that "The indications are, today, that [Syria's chemical weapons capability] does remain under the firm control of the regime." Syrian officials have requested that the United Nations Security Council act to prevent aggression against Syria.

Iran's Supreme Leader, Grand Ayatollah Ali Khamene'i, has said that a U.S. attack on Syria would be a "disaster for the region." There have been similar statements from other senior Iranian leaders, but these leaders have not threatened that Iran itself would conduct any retaliation. Iranian Revolutionary Guard Commander Major General Mohammed Ali Jafari has stated that, "The U.S. imagination about limited military intervention in Syria is merely an illusion, as reactions will be coming from beyond Syria's borders."⁵

Russian and Chinese officials remain opposed to the U.S. proposal for punitive military strikes, while the Arab League has modified its original position insisting on United Nations Security Council action to call for the Security Council and the international community to "take the deterrent and necessary measures against the culprits of this crime for which the Syrian regime bears responsibility." The Arab League has welcomed the Russian disarmament proposal, but Arab League Secretary General Nabil al Arabi has emphasized that the group remains focused on punishment for the August 21 incident and international action to bring an end to the civil war.

⁴ See for example, *Politico*, "Patrick Leahy: New Syria draft text coming," September 1, 2013; and, Niels Lesniewski, "Syria War Resolution Will Be Narrowed, Lawmakers Say," Roll Call - #WGDB Blog, September 1, 2013.

⁵ Fars News Agency, "IRGC Commander: US Possible Military Aggression against Syria to Face Tough Int'l Reaction," August 31, 2013.

United Kingdom leaders stated prior to the Russian proposal that they have no intention of seeking new authorization from Parliament to participate in any international military operation following Parliament's rejection of a measure to do so. French government officials have proposed measures to implement the Russian proposal and presented supporting intelligence on September 2 to French legislators concerning what they describe as "the massive use of chemical agents" by Syrian government forces.

U.S. military assets remain in place in the vicinity of Syria. As of September 2, five guided missile destroyers were reported to be deployed in the eastern Mediterranean Sea: the USS *Stout*, USS *Gravelly*, USS *Mahan*, USS *Barry*, and USS *Ramage*. The USS *San Antonio*, carrying forces from the 26th Marine Expeditionary Unit, and unspecified attack submarines also were reported to be nearby. The USS *Kearsarge* and the USS *Nimitz* aircraft carrier strike group were reported to be deploying westward toward the Red Sea.

In announcing his decision that punitive military action was required on August 31, President Obama stated, "I'm comfortable going forward without the approval of a United Nations Security Council that, so far, has been completely paralyzed and unwilling to hold Asad accountable." President Obama also said, "I believe I have the authority to carry out this military action without specific congressional authorization."

Assessment

The war in Syria and the debate over possible punitive U.S. military action against the Asad regime for its alleged use of chemical weapons pose a uniquely challenging series of questions for policy makers. The overarching questions remain how to define, prioritize, and secure the core interests of the United States with regard to Syria's complex civil war. The immediate questions are whether and how best to respond to the apparent use of chemical weapons in Syria and how such a response might affect U.S. interests and standing regionally and globally. In weighing these questions, many Members of Congress and Administration officials are seeking both to protect concrete U.S. national security interests and to preserve abstract international security principles that may serve those interests.

A mass casualty chemical weapons attack in the Damascus suburbs on August 21 was the latest and most deadly of a string of reported instances where Syrian forces allegedly have used chemical weapons despite President Obama's prior statement that the transfer or use of chemical weapons is "a red line" that would "change his calculus." The President and senior members of his Administration have argued that the United States has a national security interest in ensuring that "when countries break international norms on chemical weapons they are held accountable." Administration officials and some observers believe that by failing to respond after setting out a so-called "red line," the United States would risk not only undermining any international norms against the use of such weapons but would risk undermining its own credibility.

By his own account, President Obama believes that extensive, sustained U.S. military intervention to shape the outcome of Syria's civil conflict is undesirable. Instead, the Obama Administration has worked with Congress to increase U.S. assistance to non-radical elements of the opposition. In response to previous instances of alleged chemical weapons use, the Administration reportedly notified Congress in July 2012 of its intent to begin covert U.S. arming

of select groups.⁶ On August 31, the President stated his conclusion that the United States should respond to alleged Syrian chemical weapons use with limited military strikes.

Administration officials have cited a number of reasons for their skepticism of direct military involvement to shift the balance of power in the underlying conflict, including fears of exacerbating the violence; inviting greater regional spillover or intervention; or opening a power vacuum that could benefit extremists. Other foreign policy priorities also have influenced the Administration's position, such as a desire to maintain limited international consensus on Iran's nuclear program and concern that sectarian and strategic competition in Syria could ignite a regional conflict and threaten U.S. allies and security interests. While condemning Assad as a thug and a murderer and aiding some of his adversaries, U.S. officials have continued to stress the need for a negotiated political solution to the conflict in the hopes of keeping the Syrian state intact, securing its chemical weapon stockpiles and borders, and combating extremist groups now active there.

Some critics have argued that the potential risks that even a limited military response could pose to these objectives outweigh the potential benefits to the United States of reasserting an international standard or being seen to have reliably followed through on a commitment to act. These arguments suggest that if a military strike makes the political solution desired by U.S. officials less likely, then the destabilizing conflict could continue or worsen. Similarly, this line of argument suggests that if military operations were to dramatically degrade remaining state authority—whether intentionally or unintentionally—then undesired outcomes with regard to terrorism, proliferation, or mass atrocities could occur.

Still other critics of the Administration, including some Members of Congress, charge that U.S. hesitation to intervene militarily to protect Syrian civilians and/or help oust the Assad government has unnecessarily prolonged the fighting. Over time, these critics argue, the costs of inaction have grown intolerably as the humanitarian situation has deteriorated, violent extremist groups have seized the initiative, and Syria's neighbors, including several U.S. partners, have been overwhelmed by refugees and threatened with violence. Others have argued that by failing to halt the fighting in Syria, the United States and others are exacerbating already volatile Sunni-Shiite sectarian tensions throughout Middle East, thus posing risks to other strategically important countries. Finally, some critics argue that U.S. global credibility is being diminished by Assad's reluctance to step down or end abuses of civilians despite U.S. demands.

The Russian disarmament proposal and Syria's reported acceptance of its basic terms have introduced even further complication to these debates. At present debate centers on the parameters of the proposal, the feasibility of implementation, the risks and rewards it poses relative to U.S. regional security and nonproliferation goals, and its implications for U.S. international leadership. Syrian opposition leaders' rejection of the proposal and their calls for punitive action and assistance in their struggle against the Assad regime may complicate U.S. relations with opposition groups moving forward. Reconciling immediate U.S. goals with regard to the August 21 incident, medium-term U.S. goals with regard to the conflict and Syria, and overarching goals related to weapons of mass destruction may prove challenging.

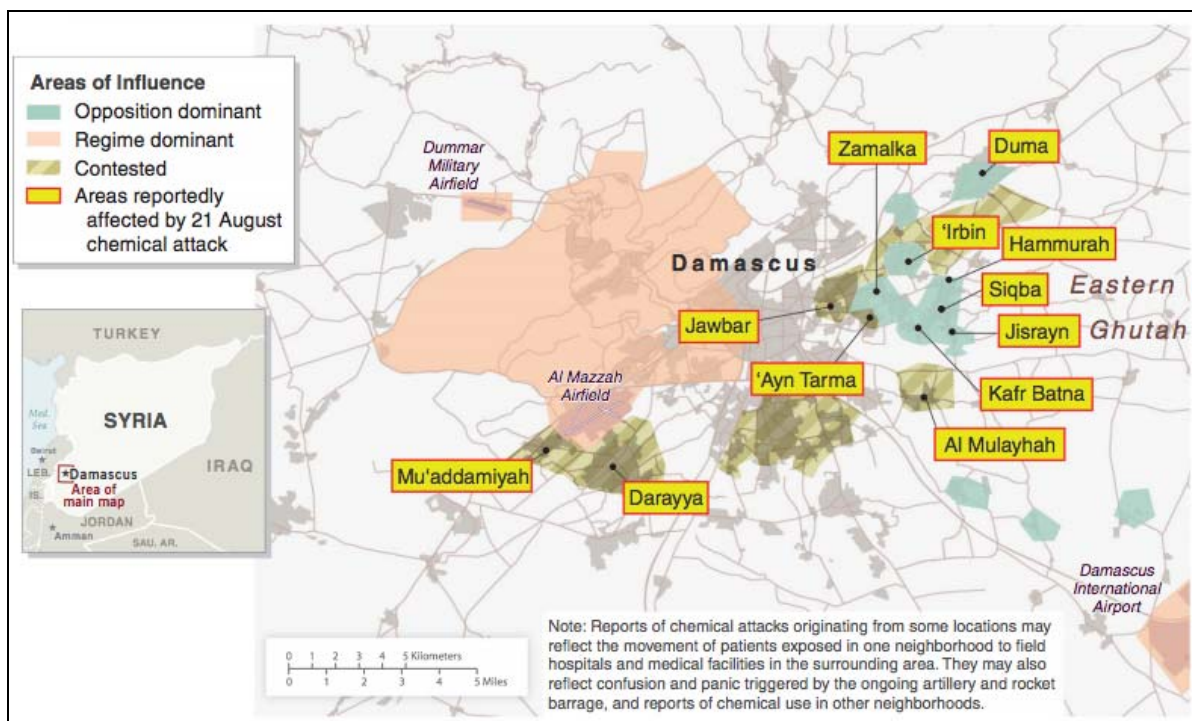
Sorting through these competing perspectives and prescriptions now falls to Members of Congress as they consider the President's proposed course of action, his request that Congress

⁶ "Divided Over Arming Syrian Rebels, Congress Declines to Block Obama's Plan," *CQ News*, July 23, 2013.

authorize the use of force, the feasibility of international disarmament proposals for Syria, and the future of U.S. policy with regard to the conflict in Syria and its regional consequences.

Figure I. U.S. Intelligence Community Map of August 21, 2013, Incident

(released to the public on August 30, 2013)



Source: U.S. Government.

Summary of U.S. Intelligence on August 21 Incident

An unclassified summary of the U.S. intelligence community's assessment released by the White House concludes, among other things, that:⁷

- The United States Government assesses with high confidence that the Syrian government carried out a chemical weapons attack in the Damascus suburbs on August 21, 2013.
- A preliminary U.S. government assessment determined that 1,429 people were killed in the chemical weapons attack, including at least 426 children.
- The U.S. intelligence community has intelligence that leads it to assess that Syrian chemical weapons personnel—including personnel assessed to be associated with the Syrian Scientific Studies and Research Center (SSRC), the entity responsible for Syria's chemical weapons program—were preparing chemical munitions prior to the attack.

⁷ Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013.

- The U.S. intelligence community assesses that the opposition has not used chemical weapons and the scenario in which the opposition executed the attack on August 21 is highly unlikely.
- Satellite detections corroborate that attacks from a regime-controlled area struck neighborhoods where the chemical attacks reportedly occurred—including Kafr Batna, Jawbar, 'Ayn Tarma, Darayya, and Mu'addamiyah (see **Figure 1** above).

On September 1, Secretary of State John Kerry further stated that tests of blood and hair samples from Syrian first responders obtained by the United States indicated exposure to the nerve agent sarin.

United Nations weapons inspectors have departed Syria, and U.N. Secretary Ban Ki-moon has requested that the team “expedite the mission's analysis of the samples and information it had obtained without jeopardizing the scientific timelines required for accurate analysis, and to report the results to him as soon as possible.”⁸

Conflict Update

The August 21 incident occurred as the popular-uprising-turned-armed-rebellion in Syria is in its third year and has devolved into a bloody struggle of attrition between the government and a diverse array of opposition militias. Over the course of Syria's civil war, momentum has shifted between government and rebel forces. Support provided by Iran and Lebanese Hezbollah fighters appears to have helped the Asad regime wrest the initiative from the opposition near the city of Homs and to launch counteroffensives on the outskirts of the capital. The August 21 attack appears to have been part of a fierce and ongoing Syrian military bombardment of rebel-held eastern suburbs of Damascus.

Various opposition forces control areas of northwestern, eastern, and southern Syria (see **Figure 2** below). In areas near the northern city of Aleppo, diverse rebel forces have announced limited tactical successes in recent weeks, including the fall of a key military air base.⁹ According to close observers of the conflict, some extremist militia groups are seeking to assert political and social control over some areas in which they operate,¹⁰ while they and others among the range of “extraordinarily fractured”¹¹ militia groups continue to battle regime forces for contested areas. Reportedly, the Supreme Military Council (SMC), to which the United States has provided aid, “is still far from a functioning rebel leadership.”¹² European press reporting contends that offensives by rebels in northern Syria and by foreign trained rebels in the vicinity of Damascus have caused serious alarm among regime leaders since mid-August.¹³

⁸ U.N. News Center, “Syria: samples collected at site of alleged chemical weapons use to be sent to labs tomorrow – UN,” September 1, 2013.

⁹ “In Syria, Seized Weapons Caches boost Rebels’ Hopes after Weeks of Setbacks,” *Washington Post*, August 21, 2013.

¹⁰ Aaron Zelin, “Al-Qaeda in Syria: A Closer Look at ISIS Parts I & II,” Washington Institute for Near East Policy, September 10-11, 2013.

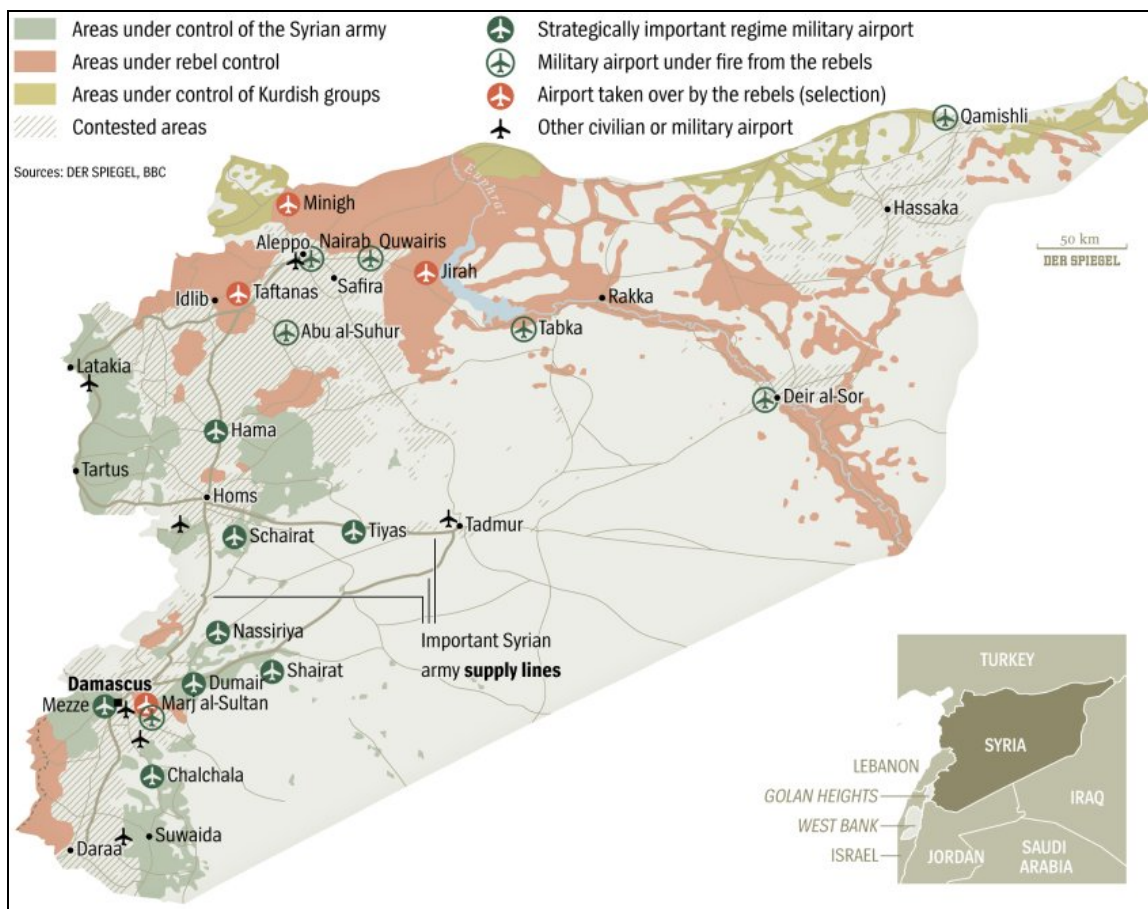
¹¹ Aron Lund, “The Non-State Militant Landscape in Syria,” United States Military Academy Combatting Terrorism Center (CTC) *Sentinel*, August 27, 2013.

¹² *Ibid.*

¹³ Christoph Reuter and Holger Stark, “Chemical Watershed: Momentum Shifts again in Syrian Civil War,” *Der* (continued...)

Figure 2. Syria Conflict Map

As of September 1, 2013



Source: *Der Spiegel* (Germany) adapted from BBC News and Syria Needs Assessment Project data.

United Nations officials cite estimates that over 100,000 Syrians have been killed in the conflict. As many as 4.25 million Syrians have been displaced inside the country and more than 2 million Syrian refugees are in neighboring countries. The Syrian conflict and the humanitarian crisis it has created have deepened the economic and political challenges facing the region and exacerbated sectarian tensions and violence, particularly in Iraq and Lebanon. To date, the United States has provided over \$1 billion in humanitarian aid in Syria and neighboring countries, with U.N. appeals seeking over \$4 billion in assistance.

President Obama called for Syrian President Bashar al Asad's resignation in August 2011, but, as noted above, the Obama Administration has rejected calls for more direct U.S. intervention in Syria. Nevertheless, the intensifying regional costs of the Syrian crisis and reports of chemical weapons use by Syrian government forces have placed increasing pressure on the Obama Administration to respond. Secretary Kerry has signaled that the Administration may seek to

(...continued)

Spiegel, September 2, 2013; and Isabelle Lasserre, "Syrie : l'opération anti-Assad a commencé," *Le Figaro* (France), August 22, 2013.

further augment U.S. support to some opposition elements in parallel with any limited military operations focused on chemical weapons.

In the 113th Congress, some Members have introduced proposed legislation that would authorize expanded assistance to the opposition. 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 Syrian opposition groups. 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. The Senate Foreign Relations Committee approved S. 960 as amended by a 15-3 vote in May 2013.

Proposed Authorizations for the Use of Military Force

Current debate focuses on the possible ramifications of an authorization for the use of military force with regard to Syria. Key subjects of debate include the purposes of any such authorization; potential location and targets of military force; the type of force that may be employed, including whether or not U.S. ground forces are authorized; the potential duration of military operations; and the resources available for such operations.

Historical Perspective

Legal scholars have continually compared and contrasted congressional authorizations of the use of force over time, and generally categorize them in terms of their relative limits on or permissiveness of executive authority and action. According to one study:

The primary differences between limited and broad authorizations are as follows: In limited authorizations, Congress restricts the resources and methods of force that the President can employ, sometimes expressly restricts targets, identifies relatively narrow purposes for the use of force, and sometimes imposes time limits or procedural restrictions. In broad authorizations, Congress imposes few if any limits on resources or methods, does not restrict targets other than to identify an enemy, invokes relatively broad purposes, and generally imposes few if any timing or procedural restrictions.¹⁴

Some argue, however, that provisions attempting to circumscribe the President's ability to conduct military operations improperly interfere with the President's commander-in-chief powers under Article II of the Constitution. Past cases suggest that limits on appropriations may provide the most direct and effective means of asserting congressional control over military operations. For CRS analysis of these questions, see "War Powers" below and CRS Report R41989, *Congressional Authority to Limit Military Operations*, by (name redacted), (name redacted), and (name redacted), and CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by (name redacted) and (name redacted).

¹⁴ Curtis A. Bradley and Jack L. Goldsmith, "Congressional Authorization and the War on Terrorism," *Harvard Law Review*, Volume 118, Number 7, May 2005, p. 2078.

Current Proposals and the Situation in Syria

For a side-by-side comparison of three proposed resolutions to authorize the use of military force in Syria with commentary, see the **Appendix**. The following analysis is based on texts available as of September 6, 2013.

As described above, a draft resolution authorizing the use of force submitted to Congress by the White House would authorize the President:

to use the Armed Forces of the United States as he determines to be necessary and appropriate in connection with the use of chemical weapons or other weapons of mass destruction in the conflict in Syria in order to –

- (1) prevent or deter the use or proliferation (including the transfer to terrorist groups or other state or non-state actors), within, to or from Syria, of any weapons of mass destruction, including chemical or biological weapons or components of or materials used in such weapons; or
- (2) protect the United States and its allies and partners against the threat posed by such weapons.

Alternate proposals are under consideration in both the Senate and House of Representatives.

On September 4, the Senate Foreign Relations Committee debated and adopted, by a vote of 10-7 (with one “present”) a resolution (S.J.Res. 21)¹⁵ to authorize the President, subject to required certifications, to:

use the Armed Forces of the United States as the President determines to be necessary and appropriate in a limited and specified manner against legitimate military targets in Syria, only to—

- (1) respond to the use of weapons of mass destruction by the Government of Syria in the conflict in Syria;
- (2) deter Syria’s use of such weapons in order to protect the national security interests of the United States and to protect United States allies and partners against the use of such weapons;
- (3) degrade Syria’s capacity to use such weapons in the future; and
- (4) prevent the transfer to terrorist groups or other state or non-state actors within Syria of any weapons of mass destruction.

The Senate Foreign Relations Committee proposal states that it does not “authorize the use of the United States Armed Forces on the ground in Syria for the purpose of combat operations.” The resolution does not define “combat operations.” It remains unclear whether the resolution as reported by the committee would authorize members of the U.S. Armed Forces to operate on the ground in Syria in non-combatant (i.e., advisory, logistical, intelligence, or other enabling) roles

¹⁵ Available at: <http://www.foreign.senate.gov/imo/media/doc/S.%20J.%20Res.%2021.pdf>

to carry out the purposes specified in the resolution. As reported, the resolution includes a sunset clause of 60 days for the authorization, with provision for one 30-day extension.

Representatives Chris Van Hollen and Gerald Connolly have circulated a draft authorization for the use of military force that would authorize the President “to use the United States Armed Forces to prevent and deter the further use of chemical weapons in Syria or by Syria against any other group or country.”¹⁶ The authorization would expire “upon the conclusion of each military action conducted by the United States Armed Forces beginning after the initial military action conducted by the United States Armed Forces” unless the President certifies to Congress in writing that the President finds “with high confidence” that Syria has used chemical weapons subsequent to the conclusion of “the immediately preceding military action conducted by the United States Armed Forces.” As of September 4, the draft proposal does not define “military action.” The authorization would expire completely after 60 days.¹⁷

With regard to Syria, matters for possible consideration may include whether or not allies of the Syrian government, such as Iran, Lebanese Hezbollah, or other non-state actors who may gain access to chemical or biological weapons or components, are intended as potential targets of U.S. military action and if so, what the implications of conflict with those actors might be. The costs and duration of any potential operation may be relevant, as well as the potential for retaliatory action by the Syrian government and its supporters that could threaten allies to whom the United States has made various security commitments, including Turkey, Jordan, and Israel.

Secretary of State Kerry also has discussed some hypothetical contingencies, including the prospect that U.S. forces may be required to act to secure Syria’s stockpiles of chemical weapons. The Administration has not indicated in recent testimony whether such actions may require U.S. “boots on the ground.” In testimony before the Senate Foreign Relations Committee he said,

in the event Syria imploded, for instance, or in the event there was a threat of a chemical weapons cache falling into the hands of al-Nusra or someone else, and it was clearly in the interests of our allies and all of us -- the British, the French and others -- to prevent those weapons of mass destruction falling into the hands of the worst elements, I don't want to take off the table an option that might or might not be available to a president of the United States to secure our country.

Congress also may wish to assess criteria for measuring the success of any specific planned action and how such action fits within broader U.S. regional and international policy goals; for example if limited strikes fail to deter or prevent the use or proliferation of chemical weapons in Syria, will the United States pursue continued or wider military action? Similarly, if the Syrian government refrains from further use of chemical weapons but continues indiscriminate attacks on rebel held areas using conventional weaponry, will a limited U.S. military action be deemed successful? What effect might strikes on Syrian military targets have on the current dynamics of

¹⁶ Draft circulated to legislative staff via email, September 3, 2013. Available at: <http://www.lawfareblog.com/wp-content/uploads/2013/09/165278488-House-Van-Hollen-Connolly-Syria-Resolution.pdf>.

¹⁷ A September 10 press release from the two Representatives announces a revised proposal that includes a 30-day delay in activating the President’s authority to use the Armed Forces, requiring the President to certify both that Syria has not become party to the Chemical Weapons Convention and that no credible plan exists to place Syrian chemical weapons under international control. The 60-day authorization period of the original proposal could be extended under the proposal announced in the press release by 30 days if the President requires additional time to complete a plan to place Syrian chemical weapons under international control.

the Syrian civil war and how might rebel groups, whether moderate or extremist, potentially exploit U.S. military action?

Issues for Congress

Chemical Weapons Issues¹⁸

On the night of August 21, an alleged chemical weapons attack killed hundreds in a neighborhood on the outskirts of Damascus. If confirmed, this would be the largest number of casualties from a chemical weapons attack in this conflict to date. The United States, the United Kingdom, and France have issued statements saying that the Syrian government used chemical weapons in the attack. The White House released a detailed intelligence assessment on August 30.¹⁹ As with past cases of alleged chemical weapons use in Syria this year, the Syrian government denied that it had conducted the attack and blamed opposition groups. Most experts observing the victims of the attack say that symptoms are consistent with the use of the nerve agent sarin, a type of chemical weapon in Syria's large arsenal.

The August 30, 2013, White House statement said that the U.S. intelligence community assesses that the Asad regime used a nerve agent in a "large-scale coordinated rocket and artillery attack," which killed approximately 1,429 people. It also said that the opposition has not used chemical weapons. The U.S. government assesses 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. These assessments say that the Syrian government has used chemical weapons "primarily to gain the upper hand or break a stalemate in areas where it has struggled to seize and hold strategically valuable territory."

President Obama and other world leaders have said that the use of chemical weapons against the civilian population would be met with consequences, which could include the use of military force. In statements reacting to alleged chemical weapons incidents in Syria, U.S. officials have referred to several distinct reasons why the use of chemical weapons by the Syrian government raises fundamental concerns for the United States:

- the unacceptability of any use of chemical weapons, given the large international consensus that views chemical weapons as having inherently malicious qualities;
- the targeting of a civilian population, especially in large numbers, regardless of the weapons employed;
- the potential for the proliferation of chemical weapons to other parties, such as those hostile to the United States; and
- the potential ramifications of escalated or expanded violence in Syria, including the loss of control of chemical weapons and/or their use on neighboring countries and U.S. interests in the region.

¹⁸ Prepared by (name redacted), Specialist in Nonproliferation.

¹⁹ "Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013," The White House, August 30, 2013. <http://www.whitehouse.gov/the-press-office/2013/08/30/government-assessment-syrian-government-s-use-chemical-weapons-august-21>.

These concerns are reflective of major trends in national security strategy from the past decade, including intervention on humanitarian grounds,²⁰ preventing the proliferation of weapons of mass destruction to terrorists, and the upholding of international nonproliferation norms.

What is the status of the United Nations chemical weapons inspectors report on Syria?

A team of United Nations (U.N.) chemical weapons inspectors went to Syria to examine several sites where attacks were alleged to occur. The inspectors collected samples from the sites, including the site of the August 21 attack, and those samples are being studied. The team's mandate is not to assess who used the weapons, but rather to determine to the extent possible whether or not chemical weapons were used and what type. According to the U.N., the inspectors are to "collect as many facts as possible and assess the nature of the extent of any attack using chemical weapons and its consequences." The determination of what chemical agents were used could also be used to draw conclusions on the source of the agents (i.e., weaponized sarin versus organo-phosphates from fertilizer or other chemicals). The inspectors were invited to Syria by the Syrian government, but they only arrived in the country on August 18—just before the apparent August 21 attack—after months of negotiating terms of access for the inspections. Press reports say the team will issue its report next week.

Was it too late for U.N. investigators to collect evidence?

Media reports have noted that the Syrian military continued to bomb the site of the August 21 attack with conventional weapons. While some physical evidence may have been destroyed at the site, blood and tissue samples from the victims themselves would help the inspectors determine what chemical agent was used. An August 27 United Kingdom joint intelligence committee assessment says, "There is no immediate time limit over which environmental or physiological samples would have degraded beyond usefulness. However, the longer it takes inspectors to gain access to the affected sites, the more difficult it will be to establish the chain of evidence beyond a reasonable doubt."²¹ The U.N. inspectors were reportedly given access to the site and to victims of the attack.

²⁰ The issue of international humanitarian intervention is not a new phenomenon and predates the concept of the Responsibility to Protect (R2P), which is more narrowly defined. The Responsibility to Protect (R2P) is a concept that was adopted by heads of state and government at the 2005 U.N. World Summit (U.N. General Assembly Resolution 60/1). R2P includes three primary elements: (1) each State has a responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity; (2) the international community, through the United Nations, also has the responsibility to use appropriate means to help protect populations from these same conditions; and (3) the international community is prepared to take collective action through the U.N. Security Council on a case-by-case basis, should peaceful means be inadequate and national authorities manifestly fail to protect their populations. The concept of R2P and its possible application to Syria is currently being debated among some experts and policy makers both in the United States and the international community. The R2P concept, as adopted by the Assembly in 2005, remains a work in progress. Although many have referred to it as a "doctrine," it is neither a doctrine nor a fully developed principle. A clear decision-making process and standard operating procedure for implementing R2P decisions have not been developed. For more information on R2P, please contact (name redacted), Specialist in International Relations; and (name redacted), Specialist in International Humanitarian Policy.

²¹ UK Joint Intelligence Committee Assessment of 27 August on Reported Chemical Weapons Use in Damascus. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/235094/Jp_115_JD_PM_Syria_Reported_Chemical_Weapon_Use_with_annex.pdf.

What evidence is used to determine CW use?

White House statements have described the types of information that has gone into the intelligence assessments about the April 2013 use of sarin. Both the June and August 2013 intelligence assessments have said these sources of information included reporting about Syrian military attack planning and execution, descriptions of attacks, physiological symptoms consistent with exposure to chemical weapons agents, and analysis of physiological samples from multiple victims. Congress may wish to ask the Administration for information on the credibility of this evidence.

What countries have chemical weapons? What international norms exist against their use?

The U.S. intelligence community cites Iran, North Korea, and Syria as having active chemical weapons programs. For decades, there has been a strong norm against the use of chemical weapons. For the past 25 years, no chemical weapons have been used in civil or cross-border warfare.²² Most countries that have had chemical weapons arsenals in the past have destroyed these weapons under the Chemical Weapons Convention (CWC), or are in the process of destroying them. The CWC addresses the destruction of existing stocks, prevention of proliferation to new states, and assistance to countries that are victims of an attack, but does not prescribe consequences for CW use. Syria is not a party to the CWC.

When were chemical weapons last used on civilians?

The Iraqi government used chemical weapons in an attack on Kurdish civilians in the town of Halabja, northern Iraq, on March 16, 1988, killing an estimated 5,000 people. This is considered the largest chemical attack against a civilian population since German atrocities during World War II. The United States did not respond militarily to the attack. Iraq also systematically used chemical weapons against Iran during the Iran-Iraq war in the 1980s without a U.S. or international military response.

What has the Obama Administration said about the importance of the August 21 case?

As has been widely reported in the press and in public statements, the Obama Administration has emphasized that it believes this particular use of chemical weapons may necessitate a response of some kind. Echoing a similar statement he made in August 2012, President Obama stated in an interview on August 28, 2013, that “I have no interest in any kind of open-ended conflict in Syria, but we do have to make sure that when countries break international norms on weapons like chemical weapons that could threaten us, that they are held accountable.” The Administration has confirmed the use of the nerve agent sarin in incidents earlier this year; however, the August 21 attack killed civilians on a larger scale than in past incidents. The Administration has stated that it aims to deter future use of these weapons by Syria and others, as well as to prevent these weapons from being diverted to terrorists or used against U.S. interests or allies in the region.

²² The terrorist group Aum Shinrikyo used sarin gas in the Tokyo subway system in 1995.

The Administration has also emphasized the norm against the use of chemical weapons. Secretary Kerry said in a speech on August 26 that “all peoples and all nations who believe in the cause of our common humanity must stand up to assure that there is accountability for the use of chemical weapons so that it never happens again.” These views were reiterated in more extensive remarks by the Secretary on August 30, discussed above. However, although media speculation about possible military action abounds, U.S. officials have not directly provided specifics on what kind of response might take place and how that response could prevent future use of chemical weapons in Syria or elsewhere.

Could the United States destroy Syria’s chemical weapons stocks through military action? What would be needed to secure chemical weapons sites during an intervention?

While it is possible that military strikes could render chemical weapons agents unusable, according to many observers, there would be considerable risk to nearby civilian populations if Syrian chemical weapons facilities were attacked in a military strike from the air. This is because nerve agents could be dispersed into the air in the course of any strike against these facilities.

One major concern of the United States is the risk that chemical weapons would fall into the hands of terrorist groups if the Syrian military lost control of or diverted them. The scale of the CW stocks in Syria would present a great challenge for physical security. General Martin Dempsey, Chairman of the Joint Chiefs of Staff, wrote in a July letter to Congress that “[t]housands of special operations forces and other ground forces would be needed to assault and secure critical sites.” The operation would result in the “control of some, but not all chemical weapons” and “would also help prevent their further proliferation into the hands of extremist groups,” the letter said. U.S. military efforts to date have focused on bolstering security near Syria’s borders with neighboring countries such as Jordan and Turkey, perhaps partly to help deter any transfer of chemical weapons out of Syria.

What international legal instruments ban chemical weapons use?

Chemical weapons have been banned under the Chemical Weapons Convention (CWC) since 1997. The CWC bans the development, production, transfer, stockpiling, and use of chemical and toxin weapons, mandates the destruction of all chemical weapons production facilities, and seeks to control the production and international transfer of the key chemical components of these weapons. The 189 member states may ask for assistance and protection if they are attacked with chemical weapons. The following countries are not parties to the CWC: Angola, Egypt, Israel, Myanmar, North Korea, South Sudan, and Syria.²³

The 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare bans the use of chemical or biological agents in warfare against other states, but does not address the use of these weapons in internal conflicts. Syria did sign the Geneva Protocol.

²³ Israel and Myanmar have signed but not ratified the Convention.

How would the international community take control of and destroy the Syrian chemical weapons stockpile?

The Syrian government has reportedly accepted a proposal by Russia that it turn over all its chemical weapons to international control. The United Nations Security Council may discuss proposals to accomplish this goal. President Obama said on September 10 that any deal would have to ensure “verifiable and enforceable destruction.” Key issues would be verification, access, and security of international personnel.

The Organization for the Prohibition of Chemical Weapons (OPCW) is the international agency that oversees the destruction of chemical weapons once a state has joined the Chemical Weapons Convention. Because Syria is not yet a party to that convention, it would either have to join the CWC or a separate disarmament mechanism may be set up directly by the U.N. Security Council, as happened with Iraq in 1991 (U.N. Security Council Resolution 687). This would most likely use the OPCW as an implementing organization for verification and dismantlement.

The United Nations and the OPCW have had experience successfully monitoring the destruction of chemical weapons in several countries. In most cases, the country would first declare its stocks and production facilities, and then destroy the weapons under international supervision. The inspectors would verify that the amounts declared were then destroyed. In the case of Syria, as with Iraq in the 1990s, the U.N. Security Council may also mandate that Syria give access to sites that have not been declared but are suspected of holding chemical weapons.

However, because Syria is in the midst of civil war, there are many risk factors that have not been present in other cases. First, a top priority is securing the chemical weapons stocks themselves. Second, the inspectors would be at great physical risk without a ceasefire in place. The conflict also would limit access of inspectors to sites of suspicion. Third, destruction of chemical weapons is a time-consuming, expensive process with great need for safety precautions. Therefore, the initial stage may focus on securing the chemical weapons at predetermined locations or shipped out of the country for storage awaiting destruction. It is not clear who would be guarding this centralized storage locations if they were inside Syria.

In addition, due to the fear that the Assad regime is using the chemical weapons destruction proposal as a way to stave off military strikes, the United States and others may choose to set deadlines for certain steps.

What did the French government propose to the U.N. Security Council?

On September 10, French Foreign Minister Laurent Fabius announced France’s intention to present a U.N. Security Council Resolution that would call on the Asad government to dismantle its chemical weapons program. Fabius said the resolution would be proposed under the auspices of Chapter VII of the U.N. Charter, which would allow member states to use all possible means, including military action, to enforce it. Among other things, the resolution would (1) condemn the August 21 chemical weapons attack and punish the perpetrators of the attack in the international justice system; (2) demand that the Asad government’s chemical weapons program be placed under international control and be dismantled, with mechanisms for inspection and monitoring;

and (3) provide for “extremely serious” consequences for Syrian violation of its obligations under this agreement.²⁴

Press reports say that the draft resolution France has presented to the U.N. Security Council would give Syria 15 days to issue a full declaration of its chemical weapons and facilities and open those facilities immediately to international inspectors.²⁵ CRS has not independently verified the proposed draft text. The version described in press reports would also authorize measures under Chapter VII of the U.N. Charter if Syria does not comply. It would appear that the U.N. Secretary General would retain the lead role in inspecting chemical facilities in coordination with the Organization for the Prohibition of Chemical Weapons. This may be to avoid a possible delay while Syria took the necessary legal steps to accede to the Chemical Weapons Convention, which requires member states to declare and destroy their chemical weapons. As noted above, Russian officials reportedly have rejected elements of the French proposal and discussions are ongoing concerning the way forward.

War Powers²⁶

Any deployment of U.S. Armed Forces into the territory, airspace, or waters of Syria implicates generally the war powers vested in Congress under the Constitution, the foremost of which is the authority to declare war.

What are the roles and responsibilities of Congress and the President pursuant to the provisions of the War Powers Resolution?

The War Powers Resolution, as amended (WPR; P.L. 93-148), is intended to provide a process for congressional-executive branch cooperation and the assertion of congressional oversight and authority related to involving U.S. Armed Forces in armed conflict. The WPR requires the President to consult with Congress prior to introducing U.S. Armed Forces into hostilities or situations in which hostilities are imminent, and to report to the Speaker of the House of Representatives and the President pro tempore of the Senate within 48 hours of:

- introducing U.S. Armed Forces into current or imminent hostilities;
- deploying combat-equipped U.S. Armed Forces into a foreign country’s territory, airspace, or waters; or
- increasing substantially the number of U.S. Armed Forces already located in a foreign country.

Such report is required to include the reasons necessitating such actions, the President’s authority to undertake such actions, and the estimated scope and duration of the hostilities or other involvement. Authority to use force, according to the WPR, is not to be inferred from other provisions of law or treaties unless those instruments specifically authorize the introduction of

²⁴ French Ministry of Foreign Affairs, “Syria/introductory remarks by M. Laurent Fabius, Minister of Foreign Affairs during his press conference,” Paris, September 10, 2013.

²⁵ Louis Charbonneau, “Revealed: French draft would give Syria chemical arms ultimatum,” Thomson Reuters, September 10, 2013.

²⁶ Prepared by (name redacted), Analyst in Foreign Policy Legislation.

U.S. Armed Forces that has occurred in each circumstance. The WPR states that unless Congress enacts a declaration of war or statutory authorization for the use of force, or Congress cannot convene due to an attack on the United States, the President must withdraw U.S. Armed Forces 60 days after introducing them into current or imminent hostilities. The 60-day period begins the day the President was required to report to Congress on such introduction of U.S. Armed Forces. The President may extend the period by 30 days to safely withdraw U.S. Armed Forces from hostilities. Each President since the WPR's enactment has refused to concede that this withdrawal requirement is appropriate under the Constitution, presumably given its possible interference with the President's powers as commander-in-chief under Article II.

The WPR provides for expedited consideration of legislative proposals to either authorize continuing the involvement of U.S. Armed Forces in hostilities through joint resolution, or to require a withdrawal of U.S. Armed Forces at any time after introduction of such forces through a concurrent resolution. The use of the concurrent resolution to require U.S. Armed Forces withdrawal is considered to be an example of a "legislative veto," a mechanism that has been deemed unconstitutional by the Supreme Court when included in other legislation.

What are some possible considerations if Congress takes up authorization for the use of military force against Syria?

A congressional declaration of war against Syria is seen as unlikely, given historical practice since World War II. If Congress considers a proposal to statutorily authorize the use of force against Syria, it might consider provisions to specify the purpose of such authorization and the objectives of the use of military force, and to place limits on the scope and duration of such authorization. It is asserted generally that statutory authorizations place the President in a stronger position legally and politically to prosecute armed conflict.

Congress has included provisions limiting the use of funds for the military in defense authorization and appropriation acts, and could include them in an authorization for use of force in Syria. H.J.Res. 58, introduced on September 9, 2013, would state that:

No funds available to any United States Government department or agency may be used for the use of force in, or directed at, Syria by the United States Armed Forces unless a subsequent Act of Congress specifically authorizes such use of force or there is an attack or imminent attack on the United States, its territories or possessions, or the United States Armed Forces.

Some argue, however, that any provisions attempting to circumscribe the President's ability to conduct military operations would improperly interfere with the President's commander-in-chief powers under Article II of the Constitution. In any case, if Congress does not otherwise act to limit appropriations that can be used to continue such military operations, constricting provisions in an authorization to use force will likely fail to limit the President's ability to continue any commenced military operations in Syria.

Cost and Budgetary Resources for Intervention²⁷

Since the President's September 10, 2013, speech on Syria, congressional concerns have broadened to include the potential costs and funding sources that would be tapped to carry out either various U.S. military actions in Syria or to secure Syria's chemical weapons (CW) stockpiles and eliminate its CW capabilities. Speaker of the House John Boehner, for example, raised the question of whether the Administration plans to submit a supplemental appropriations request to Congress if "the scope and duration of the potential military strikes exceed the initial planning" in an August 28, 2013, letter to President Obama.²⁸

In testimony to the Senate Foreign Relations Committee on September 3, 2013, Secretary of State John Kerry said that President Obama is asking for authorization "to degrade and deter Bashar al Asad's capacity to use chemical weapons," with no American boots on the ground; Secretary Hagel characterized the operation as "limited in duration and scope . . . [and] tailored to respond to the use of chemical weapons." Details about specific military plans have not been made publicly available so estimating the cost is speculative at this point with some potential benchmarks based on the bombing of Libya in March 2011.

In response to a question about whether members of the Arab League supporting U.S. operations would "offset any of the costs," Secretary of State John Kerry said that some of the Arab countries have offered to "bear costs and to assist . . . and to [possibly] carry that cost."²⁹ In recent days, some observers have suggested that the cost of securing and destroying Syria's chemical weapons stocks and possibly deliver options could be substantial but there is considerable uncertainty about both the potential cost and the sharing of those costs.

The cost of any military intervention or to secure chemical weapons stocks could range widely depending on the type and length of U.S. military actions or role in providing force protection in chemical disarmament efforts, the participation and cost-sharing by U.S. allies, and Syrian and Syrian-allied responses. Funding sources could also vary depending not only on the amount required, but also the timing. Congressional participation in decision making on costs depends on whether the Administration (1) taps currently available funding for FY2013, which appears unlikely now; (2) uses appropriations provided in FY2014 if actions take place after October 1, 2013; or (3) requests reprogrammings of existing funds or supplemental appropriations. The availability of funds may also be affected by the timing as well as the scope of costs since it is now close to the last month of the FY2013, and the Department of Defense is closely tracking funds so as to implement required sequestration cuts.

What are the range and factors that would affect the potential cost of U.S. military intervention in Syria?

In a July 19, 2013, response to a letter from Senators Levin and Inhofe, chair and ranking Member of the Senate Armed Services Committee, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, outlined the costs of various military options but did not recommend any

²⁷ Prepared by (name redacted), Specialist in U.S. Defense Policy and Budget.

²⁸ Speaker of the House, John Boehner, Letter to President Obama, September 28, 2013; <http://www.speaker.gov/press-release/boehner-seeks-answers-president-obama-syria>.

²⁹ *Ibid.*

particular option since this is a presidential decision. According to his letter, costs could range from \$500 million initially to train, advise, and assist opposition forces in a safe area outside Syria to “as much as a billion dollars per month over the course of a year” (up to \$12 billion) to use military force to establish either a no-fly zone that would prevent the regime from using its military aircraft or a buffer zone to protect border areas next to Turkey or Jordan.

General Dempsey estimated the cost could be “billions” to conduct a major military campaign that appears to more extensive than the limited strike that the Administration was considering. He described that option as using “lethal force to strike targets that enable the regime to conduct military operations, proliferate advanced weapons, and defend itself,” by destroying military forces and units, air defense, military facilities, or headquarters.³⁰ This range of options shows that the factors affecting cost include the scope of military operations (e.g., the numbers and types of forces used), and the length of the operation, which may, in turn, depend on Syrian and allied responses, as well as any participation or cost-sharing by allies.

In testimony before the House Foreign Affairs Committee on September 4, 2013, Secretary of Defense Chuck Hagel said that DOD provided a range of costs based on different options and that the current option (of a limited strike) “would [cost] in the tens of millions of dollars, that kind of range.”³¹ On September 4, 2013, two days later, Chief of Naval Operations Admiral Jonathan Greenert suggested that the naval costs of the Syrian operation are “not extraordinary at this point,” partly because many of the ships involved were already forward-deployed so that their costs would already be covered in the budget but that lengthening the deployment of the Nimitz carrier and replenishing Tomahawk missiles used, which cost about \$1.5 million each, could add costs.³²

Some observers have questioned whether these informal estimates that costs of a strike would be minimal costs are realistic.³³ The resolution authorizing the use of force in Syria, as revised and reported by the Senate Foreign Relations Committee, requires that the President report to Congress and the Senate Foreign Relations and the House Foreign Affairs on both the status of the operation, and the “financial costs of operations to date ten days after initiation of military operations and every 20 days thereafter until completion.”³⁴

What are the range and factors that would affect the potential cost of disarming Syria’s chemical weapons capability?

In the July 19, 2013, letter, General Dempsey also estimated that destroying portions of Syria’s chemical weapons stockpiles could require more than \$1 billion a month because “hundreds of

³⁰ *Ibid*, p. 1.

³¹ Testimony of Secretary of Defense Chuck Hagel before House Foreign Affairs Committee, transcript, “Hearing on the Authorization for Use of Military Force in Syria,” September 4, 2013.

³² American Enterprise Institute, “Squaring the Circle: Admiral Jonathan W. Greenert on American military strategy in a time of declining resources,” September 5, 2013; <http://www.aei.org/events/2013/09/05/squaring-the-circle-admiral-jonathan-w-greenert-on-american-military-strategy-in-a-time-of-declining-resources/>. Agence France-Presse, “Costs of Syria Strikes would not be ‘Extraordinary’: U.S. Navy,” September 5, 2013.

³³ Reuters, “Cost Of A U.S. Strike Against Syria Could Top Hagel’s Estimate,” September 5, 2013; Agence France-Presse, “Costs of Syria Strikes would not be ‘Extraordinary’: U.S. Navy,” September 5, 2013.

³⁴ See Sec. 7 in S.J. Res __, “To authorize the limited and specified use of the United States Armed Forces against Syria,” <http://www.foreign.senate.gov/imo/media/doc/DAV13973.pdf>.

aircraft, ships, submarines, and other enablers” and “thousands of special operations forces and other ground forces” would be needed to secure critical sites.³⁵ This estimate may have reflected a DOD study conducted and reported to the White House in late 2012, according to press reports, that estimated that a military effort to seize Syrian weapons stocks would require “upwards of 75,000 troops.”³⁶ Recent press reports have repeated this 75,000 figure as suggesting that the costs of securing Syrian weapons stocks would be substantial.³⁷

This estimate of 75,000 U.S. troops does not appear to be an apt analogy because it assumes forcible entry by the United States. That scenario is very different from the international effort currently in the early stages of negotiation that is exploring a chemical disarmament effort that would be conducted with Syrian agreement under international auspices. The potential U.S. cost of such an effort would depend on Syria’s agreement about who would participate in such an effort, which would provide force protection for inspectors, potential cost-sharing of inspection costs that could be conducted by a combination of government and contractor personnel, and the extent and length of the effort. While the potential costs of chemical disarmament could well be greater than a limited military strike, it is not possible at this stage to estimate those costs.

What funding sources are available for U.S. military intervention in Syria?

With the end of FY2013 fast approaching, it is unlikely that FY2013 funds will be tapped for either a limited military strike, temporarily off-the-table, or a chemical disarmament effort, a fact recently noted by Secretary of Defense Hagel.³⁸ Funding sources would likely be FY2014 funds, reprogramming of available funds, or supplemental appropriations if expenses to conduct military intervention or chemically disarm Syria proved to be substantial. These options would be available for either a limited military strike or a chemical disarmament effort though the scope and timing of a chemical disarmament effort are unknown at this time.

According to Secretary of Defense Chuck Hagel, the United States now has “moved assets in place,” including four DDG-51 Arleigh Burke destroyers in the Mediterranean, that could meet “whatever [military] option the president wishes to take.”³⁹ To the extent that DOD relies on U.S. military assets now or planned to be in-place to conduct military operations, the cost of deploying those ships (military personnel, fuel, spare parts) is presumably funded with FY2013 DOD

³⁵ General Martin Dempsey, Chairman of the Joint Chiefs of Staff, “Memo to Chair of the Senate Armed Services Committee,” July 19, 2013, pp. 1-2; <http://www.levin.senate.gov/newsroom/press/release/gen-dempsey-responds-to-levins-request-for-assessment-of-options-for-use-of-us-military-force-in-syria>.

³⁶ *New York Times*, “Pentagon Says 75,000 Troops Might Be Needed to Seize Syria Chemical Arms,” November 15, 2012 by David E. Sanger and Eric Schmitt; http://www.nytimes.com/2012/11/16/world/middleeast/pentagon-sees-seizing-syria-chemical-arms-as-vast-task.html?pagewanted=all&_r=0.

³⁷ See “A Pentagon study concluded that doing so would take more than 75,000 troops. That rough estimate has been questioned, but the official said it gave “a sense of the magnitude of the task” in *New York Times*, “Chemical Disarmament Hard Even in Peacetime,” September 10, 2013; “and Defense One, “Obama’s Wrong, Syria’s Chemical Weapons Require Boots on the Ground,” 9-12-13; <http://www.defenseone.com/ideas/2013/09/how-do-you-secure-chemical-weapons-syria-without-boots-ground/70218/>.

³⁸ See Hagel testimony before House Armed Services Committee, “Hearing on the Authorization for Use of Military Force in Syria,” September 10, 2013: “Now your question. If, in fact, there is a strike in Syria, it is now the middle of September. We go into another fiscal year in about two weeks. So a significant amount of the cost of that strike -- obviously, anything that goes beyond October 1st would be in F.Y. 2014. It would not apply to 2013.”

³⁹ BBC, “U.S. ready to launch Syria strike, says Chuck Hagel,” August 27, 2013; <http://www.bbc.co.uk/news/world-us-canada-23847839>.

appropriations for Military Personnel and Operation and Maintenance (O&M) that were provided in the FY2013 Consolidated and Continuing Appropriations Act (P.L. 113-6). The deployment of the four destroyers to the Mediterranean in preparation for Syrian operations appears to be part of the Navy's planned peacetime presence mission, and for that reason would be funded within the Navy's base budget for regular activities rather than Overseas Contingency Operations (OCO) or Operation Enduring Freedom (OEF), which pays for incremental war costs primarily for the Afghan war.⁴⁰

Brief U.S. military operations to establish a no-fly zone conducted in Libya in 2011 relied almost exclusively on existing appropriations. DOD's estimated costs were about \$800 million, including offsets or savings from lower peacetime flying hours during operations.⁴¹ The Administration also estimated that the short-lived Libyan operation would not have significant operational impacts on the Afghan or Iraq wars.⁴² The Administration did not request supplemental appropriations for Libyan operations, relying instead on available funds and existing inventories of munitions.⁴³ There is no restriction that prevents the President from using available funds to conduct wartime operations. DOD transferred OCO funds originally appropriated for another purpose to replenish the inventory of missiles expended in that operation at a later date after receiving approval from the four congressional defense committees.⁴⁴

However, possible U.S. military intervention in Syria could be significantly different from the 2011 Libyan operation. If the scope of operations and costs proved to be larger than the Libyan operation, the Department of Defense could face some difficulties in accommodating costs within its existing budget or by shifting funds among activities—particularly in view of sequestration, which was not applicable in 2011. This could also be complicated because there is uncertainty about the enactment of FY2014 appropriations. If Congress enacts a Continuing Resolution for FY2014, that funding would be available for Syrian military operations by “cash flowing,” a term

⁴⁰ Press reports indicate that the Navy extended the deployment date of one ship; see, for example, RT News, “US readies possible missile strike against Syria – report,” published August 24, 2013; edited, August 25, 2013.

⁴¹ By late 2011, DOD said the overall Libya mission cost was roughly \$1 billion.

⁴² Congressional Budget Office Cost Estimate, “S.J. Res. 20, A Joint Resolution authorizing the limited use of United States Armed Forces in support of the NATO Mission in Libya as reported by the Senate Committee on Foreign Relations on June 29, 2011”; <http://www.cbo.gov/ftpdocs/123xx/doc12306/sjres20.pdf>; Department of State, DOD, Report to Congress, *United States Activities in Libya*, p. 21, June 15, 2011; http://www.foreignpolicy.com/files/fp_uploaded_documents/110615_United_States_Activities_in_Libya_-_6_15_11.pdf. This report notes that operational impacts on DOD's other missions were not significant: “There has not been a significant operational impact on United States activities in Iraq and Afghanistan. All the forces that were briefly diverted from other operations have been replaced, with the exception of one Guided Missile Destroyer (DDG). That capability will be replaced during June 2011. In some cases, forces were delayed in arriving in Iraq and Afghanistan, but the operational impact was mitigated by forces already supporting these operations.” See also testimony by Secretary of Defense Robert Gates in a March 27, 2011 interview about Libya operations: “Sec. Gates: . . . But a lot of these -- a lot of the forces that we will have available other than the ISR are forces that are already assigned to Europe or have been assigned to Italy or at sea in the Mediterranean.” U.S. Department of Defense, News Transcript, ABC's This Week” interview with Secretary of Defense Robert M. Gates, and Secretary of State Hillary Clinton March 27, 2011; <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=4800>.

⁴³ See p. 15 in State, *United States Activities in Libya*: “These operating costs will be offset through reductions in lower priority support activities, and there will be some reduction to the peacetime flying hour program in part as a result of the Libya operation. The Department plans to replace munitions used in the Libyan operation as part of its normal programming and budgeting process.”

⁴⁴ DOD, Reprogramming Action, Omnibus, Final, Various Appropriations, 11-21-R_PA, 66, 9-13-11; <http://comptroller.defense.gov/execution/reprogramming/fy2011.html>.

sometimes often used by budget officials that means using currently available funds that may have been intended for either peacetime or Overseas Contingency Operation (OCO) operations.

If the cost of military intervention in Syria proved to be larger than anticipated, DOD could shift funds from less urgent programs or activities by using reprogramming authority provided in DOD's annual authorization and appropriations acts. Moving funds from one appropriations account to another or, in some cases, from one type of activity to another requires the written approval of the four congressional defense committees.⁴⁵ If the costs of the operation expanded further, the Administration might need to request supplemental appropriations, which would require full congressional approval.

How might Congress limit funding for either a limited strike or a chemical disarmament effort?

In addition to voting on any supplemental appropriations should they prove necessary, Congress can and has placed restrictions on the use of funds in any appropriations bill. Such restrictions can prohibit obligating (putting on contract or paying civilians) or expending (spending or outlays) funds and can be included in any appropriations act.

Past statutory language has included funding restrictions that apply:

- to all or only specific types of military operations (e.g., combat), or particular types of activities;
- after a particular date or passage of time, or are contingent on certain events taking place (e.g., negotiation of a cease-fire) or a presidential determination.

Finally, funding prohibitions can be applied to the funds in a particular bill, all previous bills, or any appropriation act. Restrictions can also be placed in authorization acts.⁴⁶

Most recently, Representative Ted Poe introduced a resolution, H.J.Res. 58, that states that

No funds available to any United States Government department or agency may be used for the use of force in, or directed at, Syria by the United States Armed Forces unless a subsequent Act of Congress specifically authorizes such use of force or there is an attack or imminent attack on the United States, its territories or possessions, or the United States Armed Forces.

This amendment prohibiting the use of funds for a military actions would apply broadly—to all enacted appropriations acts, past or FY2014 when enacted, with an exception should a congressional authorization be passed or in the case of a direct attack on the United States.

While the recently proposed Manchin-Heitkamp resolution (S.J.Res. 22) does not directly include a funding restriction, it states that it is U.S. policy that the United States can consider using “all elements of national power,” (presumably referring to military action) *only if* the Syrian

⁴⁵ See, for example, Sec. 8005, P.L. 113-6, the FY2013 Consolidated and Continuing Appropriations Act of 2013. See DOD, “Budget Execution Flexibility Tutorial” at <http://comptroller.defense.gov/BudgetExecution.html>.

⁴⁶ CRS Report RL33803, *Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches*, by (name redacted) et al., p. 3ff.

government does not sign and comply with the Chemical Weapons Convention within 45 days. This follows the pattern of prohibitions that are contingent on certain conditions and the passage of time.

How might the cost of Syrian military intervention or chemical disarmament efforts be affected by ongoing sequestration cuts in FY2013 or in FY2014 if sequestration again occurs?

Since current ship deployments in the Mediterranean are largely following current plans (with minor adjustments in schedule), ongoing sequestration cuts would not necessarily have an effect on the option of a limited military strike. In addition, the Administration's and DOD's policy has been to minimize effects on DOD's core readiness-related activities such as those deployments.⁴⁷ The President also exempted military personnel accounts from sequestration for both FY2013 and FY2014.

The services have focused ongoing sequestration cuts on lower priority Operation & Maintenance (O&M) activities such as travel, conferences, non-training flying hours, facility upgrades, Information Technology, and depot maintenance. Although the services initially reduced some training activities to meet sequestration cuts, many of these cuts were later reversed as savings became available in other areas. At the same time, some Members of Congress and DOD spokesmen have raised concerns about readiness in later years from the current sequestration or from later cuts to the DOD budget in FY2014, which could be exacerbated by a lengthy Syrian intervention.

If Congress were to enact supplemental appropriations to cover the cost of Syrian military intervention or chemical disarmament efforts, and designated that funding as emergency, those monies would not be subject to the budget caps in the Budget Control Act (BCA). On the other hand, if Congress does not meet BCA caps, FY2014 sequestration cuts would be levied by the Office of Management and Budget (OMB) in early January 2014 and funds for any operations involving Syria would be part of the budgetary resources subject to those cuts. As in the case of Afghan war costs, however, DOD could choose to shield those costs from cuts by levying higher reductions on other operational activities.

Military Planning⁴⁸

As of September 6, U.S. military planning information is, in unclassified sources, largely speculative. Congress may, as the situation warrants, consider the following questions regarding its role in relation to U.S. and allied military plans:

- Which strategic objectives are proposed military operations designed to secure?
How are the proposed operations tailored to meet those specific objectives? What

⁴⁷ OMB, Jeffrey D. Zients, Deputy Director for Management, "Planning for Uncertainty with Respect to Fiscal Year 2013 Budgetary Resources," January 14, 2013; <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-03.pdf>. DOD, Memorandum from Under Secretary of Defense Ashton Carter to the Military Departments, Joint Chiefs of Staff, Defense agencies and others, "Handling Budgetary Uncertainty in Fiscal Year 2013," January 10, 2013.

⁴⁸ Prepared by (name redacted), Section Research Manager, Defense Policy and Arms Control.

targets would U.S. or allied military forces strike in Syria? Why? What would constitute success and how would that success advance broader U.S. policy objectives in Syria, in the region, and internationally? What would constitute failure and how might that affect U.S. objectives?

- Should an authorization for the use of military force be limited in terms of purpose, territory, potential targets, potential means, potential cost, or potential duration? Why or why not? Does the Administration believe that the draft authorization submitted to Congress would allow it to conduct military operations outside of Syria? Against non-state actors in Syria or elsewhere? Against the military forces of governments other than Syria?
- What U.S. forces and capabilities are currently able to engage targets in Syria? What potential coalition forces and capabilities are available? Which countries are willing to take part in military strikes? Which countries are willing to allow their territory, waters, and airspace to be used to facilitate proposed operations? With what conditions? How do the current prospects for international support impact the U.S. military mission in terms of risk, cost, feasibility, and likely duration?
- What force might the Syrian government bring to bear to resist or respond to a military operation against it? How might Syrian allies such as Russia, Iran, and non-state actors like Hezbollah respond to any U.S. military intervention? How might extremist groups seek to take advantage of any U.S. operations? How might opposition groups receiving U.S. support benefit or be put at risk by U.S. military operations? What are the “known unknowns” with regard to a potential U.S. military response to the alleged use of chemical weapons?
- Who are the most capable armed groups operating in Syria? What are their long-term political goals? Should proposed military operations be conducted in conjunction with an increase in direct support to armed or unarmed opposition groups? Why or why not?
- How can the United States best limit opportunities for violent extremist groups to take advantage of any proposed military strike? What threats to U.S. security and regional security might follow from these groups in the event of regime change?
- What have leaders in Israel, Jordan, Turkey, Egypt, Saudi Arabia, Iraq, Lebanon, the United Arab Emirates, and Qatar told the Administration regarding their individual views of the August 21 incident and the proposed U.S. response? How does the Administration envision assisting other countries in mitigating the impact of any potential retaliation or provocation?
- If the U.S. conducts military strike operations in Syria, what are the next steps that military forces would take? Is the U.S. military in a position to sustain military operations in the region?
- Given the impact of sequestration on U.S. military operations and maintenance, as well as the continued deployment of military assets in support of operations in Afghanistan and elsewhere, are U.S. forces fully prepared to undertake both planned and contingent military operations in Syria? Would the possible dedication of already constrained U.S. military and/or DOD-contracted commercial airlift and sealift to a Syrian contingency operation have an adverse impact on U.S. retrograde operations currently underway in Afghanistan?

What are some military options reportedly under consideration?⁴⁹

Several media reports indicate that the United States is considering a military strike against Syria in response to the regime's alleged use of chemical weapons against civilians on August 21. Numerous accounts suggest that the strategic goal of such a punitive strike would be to deter future chemical weapons use and degrade the Assad regime's capabilities to carry out future attacks. Some analysts question whether limited strikes can successfully accomplish the strategic objective of deterrence. For example, Chris Harmer, a senior naval analyst at the Institute for the Study of War, has argued that "the Assad regime has shown an incredible capacity to endure pain and I don't think we have the stomach to deploy enough punitive action that would serve as a deterrent."

A report by the RAND Corporation outlined five broad possible missions for a Syrian attack using airpower.⁵⁰ They included negating Syrian airpower; neutralizing Syrian air defenses; defending "safe areas" within Syria; enabling opposition forces to defeat the regime; and preventing the use of Syrian chemical weapons. These missions are in many ways complementary.

The United States has developed munitions specifically designed to neutralize chemical weapons.⁵¹ Called "agent defeat munitions," these devices use a large, high-temperature fireball to incinerate chemical agents. CRS has not yet been able to determine the number of such munitions currently in U.S. inventory. However, their potential use may be complicated by several factors:

- First, the current generation of agent defeat munitions is believed to be deliverable only by aircraft, not cruise missiles; whether the United States would engage in air strikes without first suppressing Syrian air defenses is questionable.
- Second, due to their limited range of effects, agent defeat munitions require a precise knowledge of where the chemical weapons are stored. Syria is believed to have dispersed its chemical stocks in recent days.
- Third, a direct attack on chemical stocks raises the possibility of a collateral release of chemical agent.

However, degrading Syria's capability to employ chemical weapons would not necessarily require strikes on the chemical stockpiles themselves. Potential U.S. attacks against the command and control network used to direct chemical use; the missiles, rocket launchers, and aircraft potentially used to deliver such weapons; and Syrian military command centers could all "degrade" Syria's CW capabilities without risking collateral release of chemical agents.

"Deterring" further chemical use by Syria is a more complicated prospect, as it depends on understanding what could affect the Syrian command's calculations of gain vs. loss when considering whether to again employ chemical weapons. However, some strike options are viable

⁴⁹ Prepared by (name redacted), Specialist in Middle Eastern Affairs and JJ Gertler, Specialist in Military Aviation.

⁵⁰ Karl P. Mueller, Jeffrey Martini, and Thomas Hamilton, *Airpower Options for Syria: Assessing Objectives and Missions for Aerial Intervention*, The RAND Corporation, RR-446-CMEPP, September 3, 2013.

⁵¹ See, *inter alia*, Kris Osborn, "Air Force Developed Bombs Capable of Destroying Syria's Chemical Weapons," *DefenseTech.org*, August 30, 2013, <http://defensetech.org/2013/08/30/air-force-developed-bombs-capable-of-destroying-syrias-chemical-weapons/>.

and offer significant deterrent value. For example, a strike designed to degrade or disrupt Syria's air defense network could leave Syria exposed, with its leaders conscious of the potential for severe retaliation following any further CW use. Similarly, an attack to destroy the Syrian air force would reduce Syria's ability to deliver some types of chemical weapons, while also inhibiting its ability to defend against air attacks and to prosecute the civil war from the air.

The Institute for the Study of War planned a notional strike to "significantly degrade" the Syrian air force.⁵² While not necessarily the U.S. plan, it gives a rough idea of the munitions required for such a strike. The plan required 133 Tomahawk Land Attack Missiles (TLAM), 24 Joint Stand-Off Weapons, and 24 Joint Air-to-Surface Standoff Missiles. The Tomahawks could be launched from surface ships or submarines in the Mediterranean; the other weapons would be delivered by aircraft. The benefit of using so-called "stand-off weapons" such as a TLAM fired from a destroyer is that the firing vessel can be stationed beyond the range of Syrian anti-ship missiles.⁵³ U.S. aircraft, such as the B-2 and B-52 bombers, also can carry air-launched cruise missiles.

Other proposed military options, such as establishing no-fly zones⁵⁴ inside or outside Syria, may require a more extensive and longer-term U.S. commitment. According to Chairman of the Joint Chiefs of Staff General Martin Dempsey, "Lethal force would be required to defend the zones against air, missile, and ground attacks.... This would necessitate the establishment of a limited no-fly zone, with its associated resource requirements. Thousands of U.S. ground forces would be needed, even if positioned outside Syria, to support those physically defending the zones."⁵⁵

Operationally, Congress may wish to scrutinize the U.S. military's evaluation of the situation in evaluating a potential no-fly zone. In evaluating the situation, one may consider the nature and density of adversary air defenses, the quantity and quality of adversary air assets, geography, and availability of "friendly" assets. In evaluating adversaries, one may consider their strategy and tactics, their possible responses, their concept of operations, and their rules of engagement.

If the United States and others were to conduct manned aerial strikes against Syria, the United States may employ its F-16 aircraft stationed in Jordan. Additionally, the Air Force's 39th Air Base Wing is based at Incirlik air base in southern Turkey, and U.S. military action against Syria could originate from there, though it might require prior approval from Turkey's parliament. The United States may also have access to the British base at Akrotiri, Cyprus, where additional British military aircraft have been reportedly been deployed in recent days. If France were to take part in military action against Syria, it has access to an air base in the United Arab Emirates.

⁵² Christopher Harmer, *Required Sorties and Weapons to Degrade Syrian Air Force Excluding Integrated Air Defense System (IADS)*, Institute for the Study of War, July 31, 2013, <http://understandingwar.org/background/required-sorties-and-weapons-degrade-syrian-air-force>.

⁵³ An earlier attack designed to degrade an opponent's ability to deploy weapons of mass destruction and force international inspections, Operation Desert Fox vs. Iraq in 1998, required 325 TLAMs and 90 air-launched cruise missiles against a larger target set, so these numbers appear a reasonable first-order approximation.

⁵⁴ This issue is discussed in depth in CRS Report R41701, *No-Fly Zones: Strategic, Operational, and Legal Considerations for Congress*, coordinated by (name redacted).

⁵⁵ "Syria: What are the West's military options?" *Agence France Presse*, August 22, 2013.

U.S. Aid to the Opposition

Arming the Syrian Opposition⁵⁶

Secretary of Defense Hagel in a September 3, 2013, hearing before the Senate Foreign Relations Committee stated that the Administration is currently taking steps to provide arms to Syrian rebels under covert action authorities.⁵⁷ On September 4, in a hearing before the House Foreign Affairs Committee, Secretary of State Kerry said, “we have seen the president take steps in response to the initial attacks of chemical weapons to increase lethal aid to the opposition. That is now known.” The statute concerning covert action thus shapes both how the Administration can intervene in Syria under those authorities and the way in which the Administration engages with Congress and the public about any intervention.

What are the limits and extent of covert action authorities with respect to Syria?

Covert action is defined in statute as “an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly.”⁵⁸ Section 503 of the National Security Act of 1947 authorizes the President to conduct covert action if that action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States. The statute requires the President to write a “finding” that specifies the identifiable foreign policy objectives. The President must provide the finding to the congressional intelligence committees as soon as possible and before the initiation of the covert action.⁵⁹ The President is not required to provide the finding to Members who are not on the intelligence committees.

The “apparent or acknowledged” language in the statute may limit what the Administration is willing to say publicly about its aid to the Syria opposition. The language also provides a vague limitation on the extent to which covert action authorities can be utilized to broaden support for the opposition or to take additional action in Syria beyond aid to the opposition. During past covert actions in other countries, the role of the U.S. government has sometimes become apparent

⁵⁶ Prepared by Marshall Erwin, Analyst in Intelligence and National Security.

⁵⁷ Secretary Hagel said, “it was June of this year that the president made the decision to support lethal assistance to the opposition. As you all know, we have been very supportive with hundreds of millions of dollars of non-lethal assistance. The vetting process that Secretary Kerry noted has been significant, but -- I'll ask General Dempsey if he wants to add anything -- but we, the Department of Defense, have not been directly involved in this. This is, as you know, a covert action. And, as Secretary Kerry noted, probably to [go] into much more detail would -- would require a closed or classified hearing.” In June 2013, National Security Council spokesman Ben Rhodes had said that the President had, “authorized the expansion of our assistance to the Supreme Military Council (SMC)” in an effort “aimed at strengthening the effectiveness of the SMC, and helping to coordinate the provision of assistance by the United States and other partners and allies. Put simply, 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.”

⁵⁸ 50 U.S.C. 413b

⁵⁹ Section 503 provides a number of exceptions to this notification requirement. Among those, the President may limit notification to the “gang of eight”—the leaders of the intelligence committees and the leaders of the House and Senate—to meet extraordinary circumstances affecting vital interests of the United States.

or acknowledged in the course of public debate. This has not always proven to be a limiting factor regarding whether covert action authorities are applicable. Nonetheless, the broader the U.S. actions and the more those actions require an Administration to make a case to the American public, the more difficult it may become to justify activities under these authorities.

What organizations may conduct covert action?

Although covert action is generally the domain of the Central Intelligence Agency, the statute does not identify specific departments or agencies that may conduct covert action. Executive Order 12333, concerning United States Intelligence Activities, notes that, “No agency except the Central Intelligence Agency (or the Armed Forces of the United States in time of war declared by the Congress or during any period covered by a report from the President to the Congress consistent with the War Powers Resolution, P.L. 93-148) may conduct any covert action activity unless the President determines that another agency is more likely to achieve a particular objective.”⁶⁰

Non-Lethal Aid to the Opposition and Economic Sanctions against the Regime⁶¹

The Administration’s decision and the means otherwise available to provide material support to Syria’s opposition—in the form of humanitarian goods and services, non-lethal aid, or military assistance—face obstacles from a robust U.S. economic sanctions regime maintained against Syria for decades. These sanctions were triggered by the Syrian government’s support of international terrorism, poor human rights record, and weapons proliferation.⁶²

Considering the economic sanctions, can the United States currently provide foreign aid to the Syrian opposition?

Laws authorizing U.S. foreign aid programs are constructed generally to provide assistance state-to-state, and Syria is explicitly prohibited from eligibility under current appropriations. The U.S. growing interest in supporting Syrian opposition forces is further complicated by international obligations that require the United States to control exports and identify end-users to meet standards relating to terrorism, regional stability, and weapons proliferation. The President, however, has authority, notwithstanding the restrictions, to provide humanitarian aid, fund emergency response efforts in neighboring states, contribute to multinational programs that are engaged in the international response to Syria’s crisis, and reprogram assistance from other programs to those that address disasters or unanticipated events. Specific laws that the President can draw upon include:

⁶⁰ Executive Order 12333, “United States Intelligence Activities.”

⁶¹ Prepared by Dianne E Rennack, Specialist in Foreign Policy Legislation.

⁶² More recently, in a series of Executive Orders based on authority granted his office in the International Emergency Economic Powers Act, the President declared that Syria’s occupation of Lebanon, pursuit of weapons of mass destruction, and destabilization efforts in Iraq posed an extraordinary threat to the United States’ national security, foreign policy, and economy. In ensuing years, he further determined that the Syrian government was implicated in the assassination of Lebanon’s prime minister, massive public corruption, human rights abuses including the use of torture, arbitrary detention, and escalating violence against the Syrian people.

- Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) authorizes the President to respond to “unexpected urgent refugee and migration needs” if he determines it is important to U.S. national interests to do so.
- Section 451 of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) authorizes the President to draw upon up to \$25 million in foreign aid in a fiscal year to respond to “unanticipated contingencies....” Current foreign operations appropriations (at Section 7034(f) of P.L. 112-74, as continued and amended by P.L. 113-6) raises the Section 451 limit to \$100 million for FY2013.
- Section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) authorizes the President to provide peacekeeping operations funds (up to \$15 million in funds and up to \$425 million in commodities and services in a fiscal year) to respond to any “unforeseen emergency” if he finds it “important to the national interests” to do so.
- Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) authorizes the President to provide assistance “without regard” to any other restriction in that Act or other foreign aid- or military aid-related laws if he finds it “important to the security interests of the United States” to do so. He may make up to \$250 million available, but not more than \$50 million to one country, in a given fiscal year.
- In addition, section 202(a) of the Food for Peace Act (7 U.S.C. 1722(a)) authorizes the Administrator of the U.S. Agency for International Development to “provide agricultural commodities to meet emergency food needs through governments and public or private agencies including intergovernmental organizations such as the World Food Program and other multilateral organizations....”

How has the Obama Administration been able to provide aid to Syria in recent years?⁶³

Most U.S. foreign aid going to Syria is for humanitarian assistance. In FY2013, the United States is providing over \$1 billion of humanitarian assistance and more than \$250 million in non-humanitarian aid to the people of Syria to support the opposition. According to the Department of State, transfer authority for Overseas Contingency Operations provided within appropriations laws, and Section 451 of the Foreign Assistance Act of 1961, which authorizes the President to use up to \$25 million in one fiscal year for unanticipated contingencies, has been and continues to be crucial for providing both humanitarian and non-humanitarian aid to Syria since 2011. Current foreign operations appropriations (at Section 7034(f) of P.L. 112-74, as continued and amended by P.L. 113-6) raises the Section 451 limit to \$100 million for FY2013.

The Obama Administration has acknowledged the funding challenges that the Syria crisis presents and worked with Congress to increase the balances in global humanitarian assistance accounts in the FY2013 final appropriations bill to better meet Syria related needs. However, the

⁶³ Prepared by (name redacted), Specialist in Foreign Policy and Christopher Blanchard, Specialist in Middle Eastern Affairs.

Administration has not identified specific additional Syria assistance funding requests in its FY2014 appropriations budget and all indications suggest that the Administration intends to continue to fund Syria opposition assistance efforts on an ad hoc basis by presenting reprogramming requests and emergency contingency notifications to Congress.

The Administration did request \$580 million for a new Middle East and North Africa Incentive Fund (MENA IF) that would have provided a multiyear source of funding to respond to contingencies in Arab countries, including Syria, as needed. However, the House Appropriations Committee has declined to include funds for the Incentive Fund in its markup of H.R. 2855. Senate appropriators similarly declined to provide funds and authorities for MENA IF as requested by the Administration and has proposed a \$575 million Complex Foreign Crises Fund to meet region wide assistance needs in their markup of S. 1372.

Who is involved with defining and implementing the U.S. sanctions regime?

Congress enacts annual foreign operations appropriations, can amend restrictions stated in authorizations, and can enact legislation to incrementally or fully remove restrictions. The President can exercise any or all of the foreign aid authorities listed above. He also is authorized, under the National Emergencies Act (particularly 50 U.S.C. 1621) and the International Emergencies Economic Powers Act (particularly 50 U.S.C. 1702) to restrict all transactions any U.S. person or entity might enter into with Syria or designated individuals therein. The State Department oversees arms sales and transfers, visas, and U.S. Agency for International Development (USAID) programs. The Department of Commerce issues export licenses after taking into consideration a recipient country's compliance with international standards relating to terrorism, regional stability, and proliferation. The Department of the Treasury controls financial transactions relating to trade and economic engagement, and is also guided by those international standards.

U.S. Humanitarian Response⁶⁴

The ongoing conflict in Syria has created one of the most pressing humanitarian crises in the world. An estimated 6.8 million people in Syria, almost one-third of the population, have been affected by the conflict, including more than 4.2 million displaced inside Syria and more than 2 million Syrians displaced as refugees with 97% fleeing to countries in the immediate surrounding region, including Turkey, Lebanon, Jordan, Iraq, Egypt, and other parts of North Africa.⁶⁵ The situation is fluid and continues to worsen, while humanitarian needs are immense and increase daily. The United States has a critical role and voice regarding humanitarian access in Syria, the pace of humanitarian developments and contingency planning, support to neighboring countries that are hosting refugees, and burden sharing among donors.

⁶⁴ Prepared by (name redacted), Specialist in International Humanitarian Policy. For more information, see CRS Report R43119, *Syria: Overview of the Humanitarian Response*, by (name redacted) and (name redacted).

⁶⁵ U.N. High Commissioner for Refugees, "Number of Syrian Refugees Tops 2 Million Mark with More on the Way," September 3, 2013.

How much humanitarian assistance has the United States provided to date?

The United States is the largest donor of humanitarian assistance and is part of the massive, international humanitarian operation in parts of Syria and in neighboring countries. In FY2012 and to date in FY2013, the United States has allocated more than \$1 billion to meet humanitarian needs using existing funding from global humanitarian accounts and some reprogrammed funding. U.S. humanitarian policy is guided by concerns about humanitarian access and protection within Syria; the large refugee flows out of the country that strain the resources of neighboring countries (and could negatively impact the overall stability of the region); and the potential for further escalation and protraction of the humanitarian emergency. The international humanitarian response is immense and complex, but struggles to keep pace with urgent developments that have risen above anticipated needs. Access within Syria is severely constrained by violence and restrictions imposed by the Syrian government on the operations of humanitarian organizations. Two U.N. emergency appeals, which identify a total of \$4.4 billion in humanitarian needs, are less than 47% funded.

What have been some of the possible humanitarian policy considerations for Congress to date? What effect might military action have on the humanitarian crisis?

As U.S. policy makers and the international community deliberate over what, if any, actions they can or should take on the Syria crisis, possible humanitarian policy considerations for Congress include (1) issues related to U.S. resources and determination of priorities, including other humanitarian or foreign aid concerns and domestic needs; (2) and the potential costs and benefits of labeling or “branding” of humanitarian aid delivered to Syria so that recipients and possibly other actors are aware of its American origins. It is unclear what effect military action may have on the humanitarian situation in Syria and in the region. Since mid-August refugee outflows have increased in anticipation of foreign military strikes and an intensification of fighting inside Syria.

International Response

The United Nations Security Council⁶⁶

Under the United Nations (U.N.) Charter, the U.N. Security Council is the primary mechanism for addressing issues related to the maintenance of international peace and security. Decisions of the Council are binding on member states. Adoption of resolutions is the most prevalent method for Council decision-making.⁶⁷ The Council has 15 members—five permanent (China, France, Russia, the United Kingdom, and the United States, hereinafter “P-5”) and 10 non-permanent (currently Argentina, Australia, Azerbaijan, Guatemala, Luxembourg, Morocco, Pakistan, Republic of Korea (South Korea), Rwanda, and Togo). Decisions on non-procedural or substantive matters require nine affirmative votes, including the concurring votes of the permanent members. Thus, a negative vote by any of the P-5 is a veto over adoption of a draft

⁶⁶ Prepared by (name redacted) and Marjorie Browne, Specialists in International Relations.

⁶⁷ The Council may also make decisions by consensus (i.e., without voting).

resolution.⁶⁸ Few observers expect consensus on Syria to be reached among the P-5. Since the conflict began, both China and Russia have vetoed three draft Council resolutions addressing the conflict. The Council may meet to consider a proposal to enforce a chemical weapons disarmament agreement with Syria.

What is the role of the Security Council in authorizing use of force?

Any Security Council decisions to authorize the use of force would likely be taken under Chapter VII of the U.N. Charter, entitled, “Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.” Article 42 of this Chapter authorizes the Council to take “action by air, sea or land forces as may be necessary to maintain or restore international peace and security.” Such actions might include a variety of military operations by the forces of U.N. member states, including but not limited to demonstrations and blockades.

Russia⁶⁹

Russia has provided consistent diplomatic and military support to the Asad regime in Syria during the civil war. Russia recognizes the Asad regime as the currently legitimate government of Syria and asserts a sovereign right to provide arms to the regime under existing arms sales contracts. Russia also has a lease on a naval docking facility at Tartus, Syria. Russia has vetoed three U.N. Security Council (UNSC) resolutions aimed at addressing the Syrian conflict on the grounds that they would have unduly interfered with the domestically involved parties’ efforts to reach a peaceful political solution to the conflict.⁷⁰

How has Russia reacted to the potential for a military response by the United States?

In an interview on September 3, 2013, President Putin made four points:

- He asserted that Russia will only be convinced to support a resolution in the UNSC authorizing retaliation against Syria for chemical weapons use against civilians if the evidence is compelling beyond a shadow of a doubt, particularly since faulty data had been presented by the United States in the past as grounds for U.S. action in Iraq, he alleged. He also raised the possibility that the rebels may have gassed civilians to trigger Western action against the Asad government.
- He underlined that only the UNSC may approve the legitimate use of force against a sovereign state, and that the use of force outside U.N. approval is aggression. He stressed that Russia was not defending the Asad regime, but was upholding the norms and principles of international law, and warned that if illegitimate force is used against the Asad regime, there is a danger that it might again be used “against anybody and on any pretext.”

⁶⁸ P-5 abstentions are not considered vetoes.

⁶⁹ Prepared by (name redacted), Specialist in Russian and Eurasian Affairs.

⁷⁰ For background information, see “Bilateral Relations and Syria,” in CRS Report RL33407, *Russian Political, Economic, and Security Issues and U.S. Interests*, coordinated by (name redacted).

- He reiterated that Russia is supplying arms under contracts with the legitimate government of Syria, so is not violating any international laws. He admitted that some components of the S-300 surface-to-air missile system had been delivered, but the delivery of remaining components had been suspended.
- He stressed that Russia would not become militarily involved in the Syrian conflict.⁷¹

Supporting President Putin's statement, the Russian Foreign Ministry the next day reported that a Russian investigation into an alleged March 2013 chemical attack in Syria had found evidence that the rebels had used the gas against civilians and the Syrian Army, and the Ministry suggested that evidence pointed to the rebels in the case of the August 21 attack.⁷²

During his testimony on September 3, 2013, before the SFRC, Secretary Kerry raised the hope that Presidents Obama and Putin would discuss Syria during the G-20 summit in Russia, and that President Putin would have a "change of heart" on Syria. The Secretary stated that Russia and the United States were cooperating on efforts toward a negotiated settlement of the Syria conflict.⁷³

On September 4-5, 2013, the Russian government rejected U.S. and Polish government statements that the former Soviet Union and Russian sources had assisted Iraq in developing chemical weapons, with Russian presidential administration head Sergey Ivanov terming such statements "raving nonsense," since Russia is against the proliferation of weapons of mass destruction.⁷⁴

The Russian presidential press secretary on September 5 urged that the international community wait for the U.N. inspectors to issue their report on whether chemical weapons have been used in Syria. He stated that, based on this report, a further investigation could then be undertaken to determine who used them.⁷⁵

On September 5, 2013, Deputy Defense Minister Anatoliy Antonov warned that any U.S. military action against Syria threatened tourists in the eastern Mediterranean, as well as commercial ships, and raised concerns that a U.S. missile might hit a Russian warship. He also warned that support for Syrian rebels will at least indirectly boost Syrian terrorist groups that will later expand their

⁷¹ President of Russia, *Interview to Channel One and Associated Press News Agency*, September 4, 2013, at <http://eng.kremlin.ru/transcripts/5935>.

⁷² Russian Ministry of Foreign Affairs, *Commentary by the Information and Press Department of the Russian Ministry of Foreign Affairs in connection with the situation concerning the investigations into the use of chemical weapons in Syria*, September 4, 2013. On Putin's assertion of U.S. action as "aggression," see Russian Ministry of Foreign Affairs, *Comment by the Information and Press Department of the Russian Ministry of Foreign Affairs regarding a possible US military action against Syria*, September 4, 2013.

⁷³ "Senate Foreign Relations Committee Holds Hearing on the Authorization for Use of Military Force in Syria," *CQ Congressional Transcripts*, September 3, 2013.

⁷⁴ *Interfax*, September 5, 2013. Ivanov was responding to testimony by Defense Secretary Chuck Hagel that Russia had supplied chemical weapons to Syria (later stated to be components). See "House Foreign Affairs Committee Holds Hearing on the Authorization for Use of Military Force in Syria," *CQ Congressional Transcripts*, September 4, 2013. See also Russian Ministry of Foreign Affairs, *Commentary by the Russian Foreign Ministry's Information and Press Department in connection with statements by Polish Foreign Minister R. Sikorski, which have appeared in the mass media, regarding Syria's chemical weapons*, September 3, 2013.

⁷⁵ *Interfax*, September 5, 2013.

operations elsewhere in the Middle East. The Foreign Ministry also warned that U.S. missiles could threaten nuclear contamination if they hit a Syrian research reactor.⁷⁶

Presidential administration head Ivanov stated on September 5 that warships being sent to the Mediterranean Sea were intended for the possible evacuation of Russian citizens from Syria. Deputy Defense Minister Antonov stressed that the deployment of more warships to the Mediterranean was aimed to cover possible contingencies that could threaten Russia's national interests, and "to hold back other forces which are ready to unleash hostilities," but that Russia did not intend to become involved in conflict. The deployment includes intelligence-gathering and anti-submarine warfare vessels, a missile cruiser, a destroyer, and landing craft.⁷⁷

Leaders of the Russian Federal Assembly (legislature) have received support from Putin for a planned delegation trip to the United States to try to convince Congress not to approve the use of military force against the Syrian government.

Why did Russia block a recent draft UNSC resolution on Syria?

On August 28, Russia (and China) blocked discussion in the UNSC of a possible resolution introduced by the United Kingdom condemning the August 21 gas attack in Syria and authorizing necessary measures—including military action—to protect civilians, with Foreign Minister Lavrov stating that any such resolution should await the findings of the mission of U.N. inspectors. He stressed that possible military action in Syria without UNSC authorization would violate international law and vitiate efforts to find a peaceful solution to the conflict, such as the planned Syrian government-rebel conference that was being organized by the United States and Russia prior to the gas attack. He also alleged that the chemical weapons attack may have been a provocation by the rebels, as Russia has asserted in previous cases, and warned that any Western military action could further destabilize the Middle East.⁷⁸

China⁷⁹

As one of the five veto-wielding permanent members of the United Nations Security Council, China's support or abstention is necessary for any Security Council actions related to the conflict in Syria. That would include any resolution to implement a Russian proposal that Syria put its chemical weapons under international control. China's Foreign Ministry spokesman has said that China welcomes and supports the Russian proposal, describing it as offering "an important

⁷⁶ *Interfax*, September 5, 2013; Russian Ministry of Foreign Affairs, *Statement by the Russian Foreign Ministry's official representative A.K. Lukashevich in connection with possible consequences of a military action against Syria for nuclear safety and nuclear nonproliferation*, September 4, 2013.

⁷⁷ *Interfax*, September 5, 2013; see also Open Source Center, *Central Eurasia: Daily Report (CEDR)*, September 4, 2013, Doc. No. CEL-46255244, Doc. No. CEL-39116041, and Doc. No. CEL-37879698.

⁷⁸ *Ministry of Foreign Affairs of the Russian Federation, On a Telephone Conversation between Russian Foreign Minister Sergey Lavrov and British Secretary of State for Foreign and Commonwealth Affairs William Hague*, reported in Open Source Center, *Central Eurasia: Daily Report (CEDR)*, August 28, 2013, Doc. No. CEL-65802960; Ministry of Foreign Affairs of the Russian Federation, *Statement by Russian Foreign Affairs Minister S. V. Lavrov and His Responses to Questions Posed by the Mass Media in the Course of a Press Conference on the Topic of Chemical Weapons in Syria and the Situation Surrounding the Syrian Arab Republic*, CEDR, August 27, 2013, Doc. No. CEL-45634080. See also *Statement by Russian Foreign Ministry spokesman A.K. Lukashevich in Connection with the U.S. Defense Secretary's Remarks*, Russian Ministry of Foreign Affairs, August 25, 2013.

⁷⁹ Prepared by (name redacted), Specialist in Asian Affairs.

opportunity to ease the current tension and properly address the international community's concerns about Syria's chemical weapons."⁸⁰

China has consistently opposed outside military intervention in Syria in response to the August 21, 2013 chemical weapons attack. In a closed-door session of the Security Council on August 28, 2013, China joined Russia in blocking a resolution drafted by the U.K. government that would have authorized the use of force against the Syrian government. China has also spoken out against the possibility of the United States bypassing the United Nations and undertaking unilateral U.S. military action against the Asad regime. To do so, a Chinese Foreign Ministry spokesman said on September 12, 2013, "goes against the international law and basic norms governing international relations and will add to turmoil in Syria and the region as a whole."

What is Driving China's Syria Policy?

China's opposition to outside military intervention in Syria is rooted in its long-standing policy of non-interference in the affairs of other sovereign nations. That policy is thought to be related to China's desire to head off any foreign intervention in its own affairs. China fears, for example, the possibility of calls for international intervention in response to future Chinese efforts to unite forcibly with Taiwan, or over China's treatment of its Tibetan and Uighur ethnic minority populations. The most notable occasion on which China strayed from the principle of non-interference was in March 2011, when China joined Russia in abstaining on a U.N. resolution authorizing military action against the Gaddafi regime in Libya, allowing the resolution to pass. Despite its abstention, just three days after the vote, Beijing criticized publicly military action authorized by the resolution.⁸¹ Many in China now see the Libya resolution as having been "abused by the U.S. and NATO to pursue regime change."⁸²

China's Syria policy also appears to be influenced by China's close relationship with Russia, with which it often coordinates on foreign policy. Unlike Russia, however, China has limited economic interests in Syria and, according to the Chinese government, only "20-plus" citizens in the country.⁸³

China says it has not taken sides in the Syrian civil war. According to China's Foreign Ministry, "China has no selfish interests on the Syrian issue and has no intention to protect any party."⁸⁴ China has in the past hosted visits from both Syrian government envoys and representatives of an opposition group, the Syrian National Coordination Committee for Democratic Change.⁸⁵ A six-

⁸⁰ Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on September 12, 2013," transcript, September 10, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t1076098.shtml>.

⁸¹ Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Jiang Yu's Remarks on Multinational Military Strike against Libya," statement, March 21, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/t808094.htm>.

⁸² Chen Weihua, "U.S. divided on possible Syria strike," *China Daily*, September 5, 2013.

⁸³ Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on September 2, 2013," transcript, September 2, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t1072085.shtml>.

⁸⁴ Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Remarks on the U.N. General Assembly's Adoption of the Resolution on the Syrian Issue," statement, May 16, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t1040948.shtml>.

⁸⁵ "Chinese FM meets Syrian opposition group delegation," *Xinhua English News*, September 18, 2012; Ministry of (continued...)

person delegation from another Syrian opposition group, the Syrian National Dialogue Forum, arrived in Beijing on September 10, 2013.⁸⁶

Iran⁸⁷

The Syrian regime's apparent chemical attack has created a major dilemma for Iran. Since the 1979 Islamic Revolution in Iran, Syria has been Iran's closest Arab ally, and, as discussed below, Iran has provided substantial resources to help the Asad regime combat the armed rebellion. Yet, perhaps in an effort to compel Iran to distance itself from the Asad regime, the international community has pointed out that Iran has long stressed that it is the foremost victim of chemical weapons use at the hands of Saddam Hussein's regime during the 1980-1988 Iran-Iraq war. United Nations investigations confirmed Iraqi chemical weapons against Iranian forces during that war, although it found that Iran has conducted some chemical attacks as well. Iran is a party to the Chemical Weapons Convention.

What are Iran's interests in Syria?

Syria under the Asad regime is a linchpin of Iranian strategy in the region—Iran takes advantage of Syria's geographical location and prominence in the Arab world to pressure Israel, the United States, and Sunni Arab states allied with the United States. The Asad regime and Iran are linked by similar sectarian identities that distinguish them from Sunni Muslims: the Asads come from the Alawite community whose religious beliefs are distantly derived from Shiism, which is the overwhelmingly dominant sect in Iran. Along with geopolitical and other factors, this bond helped Iran and Syria transcend the Arab-Persian differences that would tend to divide them, as well as the contrasts between the Islamist nature of Iran's regime and Asad's secular rule. The regime of Bashar al Asad's father, Hafez al Asad, provided support to Iran during the 1980-1988 Iran-Iraq war, even though Iraq and Syria are both Arab states and were led by leaders from the Baathist movement.

Syria's value to Iran increased in the early to mid-1980s, when Lebanese Shiite clerics of the pro-Iranian Lebanese Da'wa Party began to organize in 1982 into what later was unveiled in 1985 as Hezbollah.⁸⁸ Hezbollah identified itself as a "resistance" movement to Israel. Under the Asads, Syria has been the main transit point for Iranian weapons shipments to Hezbollah. Both Iran and Syria have viewed Hezbollah as leverage against Israel to try to achieve their regional and territorial aims.

Syria has also been a base for some Iran-supported Palestinian militant groups that the United States has accused of committing acts of terrorism in attempts to undermine Israeli-Palestinian peace efforts and Israel's overall security. The State Department report on terrorism for 2012,

(...continued)

Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Liu Weimin's Regular Press Conference on February 9, 2012," transcript, <http://www.fmprc.gov.cn/eng/xwfw/s2510/t904275.htm>.

⁸⁶ Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on September 10, 2013," transcript, September 10, 2013, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t1075140.shtml>.

⁸⁷ Prepared by (name redacted), Specialist in Middle Eastern Affairs, on September 4, 2013

⁸⁸ Shimon Shapira, "The Origins of Hizballah," *The Jerusalem Quarterly*, 46 (Spring 1988): 115-30.

released May 30, 2013, repeated previous years' reports' assertions that Iran provides funding, weapons, and training to Hamas, Palestine Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).⁸⁹ However, Hamas and PIJ are Sunni Muslim movements, and Hamas, in particular, has sought to distance itself from the Asad regime and—to some extent—Iran.

How is Iran supporting Asad?

To try to prevent Asad's downfall, Iran is supporting the Syrian regime, including with funds, weapons, and fighters.⁹⁰ Iran says it bases that aid on a long-standing defense relationship with Syria. Iran reportedly has provided the Asad regime military advisers and personnel, including members of its Islamic Revolutionary Guard Corp-Qods Force (IRGC-QF), the unit of the IRGC that supports pro-Iranian movements abroad, as well as an unknown number of IRGC-Ground Forces (IRGC-GF).⁹¹ The IRGC-GF has not previously deployed outside Iran, and its apparent deployment in Syria suggests that Iran is sparing no effort to try to keep Asad in power.

Iran has also helped in the recruitment of irregular forces and external pro-Asad groups. Iran reportedly has helped Syria set up its own popular militia forces to relieve some of the burden on the manpower-strapped Syrian army.⁹² Iran also was reportedly instrumental in persuading Hezbollah to become directly involved in the conflict and in the deployment of Iraqi Shiite militias that have come to Syria to help Asad.

There is little dispute among experts and officials that Iran also is sending substantial quantities of arms to the Asad regime. It is not known from open sources the approximate dollar value of the Iranian arms deliveries, or the exact types or quantities of arms being shipped. It has not been reported that Iran has delivered any heavy weapons to Syria such as tanks or armored personnel carriers—such weapons are not especially plentiful in Iran's own arsenal. Delivery of heavy arms to Syria appears to be beyond Iran's airlift capabilities. Since the start of 2013, Iran reportedly has increased the frequency of its resupply flights to Syria to at least one per day. The flights typically overfly Iraq en route to Syria, and U.S. officials, including Secretary of State John Kerry, have—apparently without consistent success—urged Iraqi officials to interdict the flights and inspect them for arms deliveries.

Iran has also provided non-military forms of support to Asad, largely to counter threats to the regime from civil unrest and economic distress. As early in the uprising as April 14, 2011, and on several occasions since, U.S. officials have said that Iran is providing Syria with equipment to suppress crowds and to monitor and block use of the Internet.⁹³ Particularly during the early periods of the Syria uprising, Iran advised the Asad regime on how to use such equipment to track down dissenters. Iran also has provided funds to try to stabilize the Syrian economy. In May 2013, Iran extended a \$4 billion line of credit to the Asad regime, and is considering additional credits.

⁸⁹ <http://www.state.gov/j/dt/rls/crt/2012/209985.htm>

⁹⁰ Details and analysis on the full spectrum of Iranian assistance to Asad is provided by the Institute for the Study of War. "Iranian Strategy in Syria," by Will Fulton, Joseph Holliday, and Sam Wyr. May 2013.

⁹¹ Will Fulton, Joseph Holliday, and Sam Wyr. "Iranian Strategy in Syria." Institute for the Study of War, May 2013.

⁹² Ibid. p. 19.

⁹³ Adam Entous and Matthew Rosenberg. "U.S. Says Iran Helps Crackdown in Syria." *Wall Street Journal*, April 14, 2011.

How might a U.S. Strike affect Iran? How might Iran respond?

Several major questions arise with respect to Iran and U.S. policy toward Iran, should the United States strike Iran's ally Syria. One major issue is whether Iran might conduct military attacks against Israel, U.S. forces in the region, or U.S. allies in the Persian Gulf. According to official U.S. reports and assessments, Iran has the conventional weapons and missile arsenal to strike such targets, were there a decision to do so.

Most experts believe that direct Iranian retaliation is unlikely. Iran's Supreme Leader, Grand Ayatollah Ali Khamene'i, has said that a U.S. attack on Syria would be a "disaster for the region." There have been similar statements from other senior Iranian leaders but these leaders have not threatened that Iran itself would conduct any retaliation. There are no indications that Iran is positioning forces in the region to prepare for any retaliation. Iran also has a new president, Hassan Rouhani, a mid-ranking cleric, who has pledged to ease tensions with the international community—a goal that would most likely be significantly set back were Iran to retaliate for any U.S. strike on Syria.

However, sources purportedly close to Iran's ally, Hezbollah (cited elsewhere in this report) have indicated that it might retaliate against Israel under certain circumstances. Additionally, Iran and Hezbollah have agents and cells in the Middle East, Europe, Latin America, Asia, and elsewhere that could conduct future acts of terrorism as a response to a U.S. attack on Syria. Such actions might have an element of deniability that Iran perceives could prevent any immediate U.S. retaliation.

Some experts believe that a U.S. strike on Syria might not cause Iranian retaliation, but could cause Iran to break off talks with the international community over its nuclear program.⁹⁴ Talks have been conducted, without firm conclusions, since 2003, but international negotiators have become more optimistic for the prospects of the talks since Rouhani assumed Iran's presidency on August 4, 2013. Iran has not, to date, threatened to boycott a new round of talks if and when a date for them is set.

Others argue that a U.S. refusal to respond militarily to Asad's apparent use of chemical weapons could affect Iran's nuclear calculations. According to this argument, Iran might interpret a U.S. failure to act militarily as an indication that the Obama Administration might not enforce its stated policy of preventing Iran from acquiring a nuclear weapon, if Iran were to undertake an effort to produce a nuclear weapon.

European and NATO Perspectives⁹⁵

The 28 member states of the European Union (EU) have said that there is strong evidence that the Asad regime is responsible for a chemical attack on August 21 and have called for a "clear and strong" international response. There is disagreement, however, on what form such a response should take, and widespread skepticism and reluctance on the question of possible offensive military action. Collective military operations against the Asad government through the North Atlantic Treaty Organization (NATO) or the EU therefore do not appear to be a possibility.

⁹⁴ Robert Worth. "In Syria Crisis, U.S. Keeps Eye on Iran Policy." *New York Times*, September 3, 2013.

⁹⁵ Prepared by (name redacted), Analyst in European Affairs (NATO, France, and Germany), Derek Mix, Analyst in European Affairs (EU and UK), and (name redacted), Specialist in Middle Eastern Affairs (Turkey).

European leaders have also emphasized the importance of working through the U.N., saying on September 7 that any further action against the Asad regime should not come before an expected preliminary U.N. report on the alleged chemical weapons attack.⁹⁶

According to the State Department, as of September 5, the following European countries had “publicly and explicitly expressed support for U.S. military action,” against Asad: Albania, Kosovo, Denmark, France, Poland, Romania, and Turkey.⁹⁷ France appears to be the only European country considering participating in such military action, however, and has said it would not act alone.⁹⁸

United Kingdom

The UK government has been leading international pressure against the Asad regime in Syria. Alongside France, the UK has pushed for United Nations action, has been a leading voice in passing EU sanctions against the Asad regime, and successfully argued for lifting the EU arms embargo in order to assist opposition forces. Although it has not openly delivered weapons to the opposition, the UK has reportedly provided non-lethal equipment, humanitarian assistance, and some training. Following the report of chemical weapons attacks by Syrian forces on August 21, the UK’s National Security Council “decided unanimously that the use of chemical weapons by the Assad regime is unacceptable and that the world can not stand by in the face of that.”⁹⁹ The government’s campaign to build a case for military action abruptly deflated, however, when the House of Commons voted on August 29 against UK participation in any prospective strikes on the Asad regime, and Prime Minister Cameron subsequently ruled it out. Prime Minister Cameron has since refuted suggestions that the government might go back to Parliament for a second vote on the use of force if circumstances in Syria change significantly, or following a vote by the U.S. Congress. Speculation about a potential second vote nevertheless continues, but as of early September, UK involvement is expected to consist primarily of intelligence support, diplomatic pressure, and increased humanitarian aid.

France¹⁰⁰

Along with the UK, the French government has been leading international efforts to pressure the Asad regime. France was the first country to recognize the Syrian Opposition Coalition (SOC) as the “sole legitimate representative of the Syrian people.” Officials in Paris have said there is “no

⁹⁶ European Union, Remarks by EU High Representative Catherine Ashton following the informal meeting of EU Foreign Ministers, September 7, 2013.

http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138691.pdf.

⁹⁷ U.S. Department of State Daily Press Briefing, September 5, 2013.

<http://www.state.gov/t/pa/prs/dpb/2013/09/213851.htm>.

⁹⁸ Michael Birnbaum, “France will not act alone against Syria, prime minister says,” *Washington Post*, September 4, 2013.

⁹⁹ UK Foreign & Commonwealth Office, *Foreign Secretary calls for strong international response to chemical attack in Syria*, August 28, 2013, <https://www.gov.uk/government/news/foreign-secretary-calls-for-strong-international-response-to-chemical-attack-in-syria>.

¹⁰⁰ Unless otherwise noted, information in this section comes from: Open Source Center, *OSC Report: Europe, Saudi Arabia Favor Forceful Answer to Syria CW Use*, OSC Report EUL2013082703203597, August 27, 2103; Open Source Center Report: *France—Media Question Paris’s Role as U.S. Ally After President Obama’s Call for Vote on Syria*, September 4, 2013; “Hollande Willing to Strike Syria even Without Public, Parliamentary, UN Support,” *LeFigaro.fr*, September 7, 2013, Open Source Center EUL2013090760367055. .

doubt” that Assad has used chemical weapons and have said that they favor military strikes against Assad in response.¹⁰¹ France reportedly has deployed an anti-aircraft frigate and other military assets off the Syrian coast in anticipation of such an operation. Officials in Paris have indicated, however, that French military action would come only in support of a U.S.-led operation. Since President Obama’s announcement that he would seek congressional approval for U.S. military action, French President François Hollande has faced growing public pressure to follow suit. The French parliament debated the merits of a possible intervention in early September, but has not held a vote on the issue and parliamentary approval for such action is not required. Nonetheless, in the view of some commentators, Hollande could become increasingly sensitive to public opposition to possible military intervention—some opinion polls indicate that more than two-thirds of respondents in France are opposed. In what was perceived as an effort to build public and international support, on September 6, Hollande said he would not authorize military action before the release of an anticipated U.N. report on the use of chemical weapons in Syria.

On September 10, French Foreign Minister Laurent Fabius announced France’s intention to present a U.N. Security Council Resolution that would call on the Assad government to dismantle its chemical weapons program. Fabius said the resolution would be proposed under the auspices of Chapter VII of the U.N. Charter, which would allow member states to use all possible means, including military action, to enforce it. Among other things, the resolution would (1) condemn the August 21 chemical weapons attack and punish the perpetrators of the attack in the international justice system; (2) demand that the Assad government’s chemical weapons program be placed under international control and be dismantled, with mechanisms for inspection and monitoring; and (3) provide for “extremely serious” consequences of Syrian violation of its obligations under this agreement.¹⁰² French officials reportedly have said they are willing to amend their resolution in response to Russian concerns.¹⁰³

Germany¹⁰⁴

The German government has strongly condemned the Assad regime, calling its alleged use of chemical weapons a “horrific crime against humanity ... that cannot go unpunished.” Berlin is reportedly reluctant, however, to endorse a military response that is not authorized by the U.N. Security Council. Germany is also considered unlikely to participate in any military operation in Syria, even if under a U.N. or NATO mandate. Analysts note that the German government could be particularly sensitive to public opposition to potential offensive military action ahead of a federal election scheduled for September 22. The German government reportedly has agreed to allow 5,000 Syrian refugees to resettle in Germany by the end of the year.¹⁰⁵

¹⁰¹ On September 2, the French government published an intelligence dossier blaming forces loyal to Assad for the August 21 chemical weapons attack in Damascus.

¹⁰² French Ministry of Foreign Affairs, “Syria/introductory remarks by M. Laurent Fabius, Minister of Foreign Affairs during his press conference,” Paris, September 10, 2013.

¹⁰³ “France Remains Poised for Military Action in Syria,” *RFI.com*, September 11, 2013.

¹⁰⁴ Information in this section comes from: OSC Report: International—Worldwide Views of Possible Western Strike on Syria, PLO2013082784193195, August 27, 2013; Charles Hawley, “Syria Intervention May Endanger Merkel’s Re-Election,” *Spiegelonline*, August 26, 2013.

¹⁰⁵ Nick Cumming-Bruce, “Germany to Accept Syrian Refugees,” *New York Times*, September 11, 2013.

NATO

What is NATO's role?

At the request of NATO member state Turkey, since the beginning of 2013, NATO has carried out an air defense mission along Turkey's southeastern border with Syria, "to augment Turkey's air defence capabilities in order to defend the population and territory of Turkey and contribute to the de-escalation of the crisis along the Alliance's border." NATO officials have emphasized that the deployment of six Patriot missile batteries "is defensive only. It will in no way support a no-fly zone or any offensive operation."¹⁰⁶ The United States, Germany, and the Netherlands are each operating two Patriot batteries, deployed to military bases near the population centers of Gaziantep, Karamanmaras, and Adana, respectively.

Some Members of Congress, as well as Air Force General Philip Breedlove, Supreme Allied Commander, Europe, and Commander of U.S. European Command (in his Senate confirmation hearing), have suggested that the Patriot batteries currently under NATO command could be used to support offensive military operations against Asad, including the possible establishment of a no-fly zone or a "humanitarian corridor" to protect civilians. Although the allies have uniformly condemned the Asad regime, NATO has not considered establishment of a no-fly zone and key allied officials have reiterated that the Patriot deployment is defensive only. Speaking on behalf of the allies on August 28, NATO Secretary General Anders Fogh Rasmussen called the use of chemical weapons, "a clear breach of long-standing international norms and practice ... that cannot go unanswered."¹⁰⁷ However, there does not appear to be a consensus within the alliance on endorsing possible NATO-led offensive military operations against the Asad regime. Any NATO operation would require the unanimous backing of the member states, though not all would be obliged to participate.¹⁰⁸

European Union

What is the European Union's role?

The EU has been a leading voice alongside the United States in international condemnation of the Asad regime and its actions in Syria's armed conflict. With a stronger U.N. response blocked by Russia and China in the Security Council, the EU has moved ahead on the basis of unanimous agreement among its member states to impose extensive sanctions designed to put pressure on the regime. Like the United States, in December 2012 the EU recognized the National Coalition of Syrian Revolution and Opposition Forces as the sole legitimate representative of the Syrian people. After a British and French push to lift the EU arms embargo on Syria in order to arm opposition forces, the embargo was allowed to expire in May 2013 despite strong objections from a number of other EU countries. As a result, arms exports to the opposition could be authorized on a national, case-by-case basis, with safeguards intended to prevent misuse, although the EU member states agreed to refrain from such deliveries pending a review of the situation. Similar to

¹⁰⁶ NATO, "First NATO Patriot Battery in Turkey Operational," press release, January 26, 2013.

¹⁰⁷ "NATO Secretary General Statement on North Atlantic Council Meeting on Syria," August 28, 2013. http://www.nato.int/cps/en/SID-DF4464BA-134DDF8E/natolive/news_102590.htm.

¹⁰⁸ In the case of NATO's air operations under a U.N. Security Council mandate to protect civilians in Libya in 2011, all 28 member states endorsed the operation, though only 14 participated.

NATO, there is no consensus among EU member states for military operations. In any case, analysts have had no expectations that any such operations would be conducted under an EU flag.¹⁰⁹ At the G20 Summit held in St. Petersburg on September 5-6, European Council President Herman Van Rompuy reportedly stated that there is no military solution to the Syria conflict. Despite efforts led by France to gain backing for potential military action, this viewpoint was subsequently conveyed as the agreed position of the 28 member states by High Representative Catherine Ashton in a statement following an EU foreign ministers meeting on September 7.¹¹⁰

Turkey

Since late 2011, the government of Turkish Prime Minister Recep Tayyip Erdogan has been an active opponent of the Assad regime and has outspokenly advocated for U.N.-backed intervention. It has hosted Syrian refugees and opposition figures and—reportedly—helped funnel assistance to armed Syrian rebel groups. Following the apparent August 21 chemical weapons attack, Erdogan has indicated that Turkey would “take part” in any international coalition against Syria. On August 30, Erdogan was quoted as saying that any strike on Syria should not be a “24 hours hit-and-run. What matters is stopping the bloodshed in Syria and weakening the regime to the point where it gives up.”¹¹¹

Notwithstanding Erdogan’s stated preference for a broader military response than what U.S. officials appear to be contemplating, the nature and scope of potential Turkish involvement is unclear.¹¹² Turkey maintains one of NATO’s largest militaries, but political sensitivities and potential vulnerabilities vis-à-vis bordering countries and Kurdish communities in the region could constrain its direct participation in military operations.¹¹³ Asked what Turkey’s role might be, as reports on September 8 indicated that it was bolstering its border defenses, Erdogan was quoted as saying, “Whether it would be as an opposing force or supplying forces to provide logistical support, all this would be determined by circumstances.”¹¹⁴ Turkey hosts U.S. and NATO military assets in various locations throughout the country, which could be among the targets of potential Syrian or Syrian-allied retaliation for a U.S.-led attack.¹¹⁵ Members of the opposition Republican People’s Party (CHP), though condemning the possible use of chemical weapons in Syria, have warned of the risks of military intervention and insisted that Turkish law requires parliamentary approval of any use of Turkish territory by foreign troops to attack Syria.¹¹⁶ The Turkish parliament voted in 2003 against allowing the United States to invade Iraq from its Turkish border.

¹⁰⁹ NATO and the EU have overlapping but not identical membership. While both have 28 member countries, 22 countries belong to both, six belong to NATO but not the EU (Albania, Canada, Iceland, Norway, Turkey, and the United States) and six belong to the EU but not NATO (Austria, Cyprus, Finland, Ireland, Malta, and Sweden).

¹¹⁰ European Union, Remarks by EU High Representative Catherine Ashton following the informal meeting of EU Foreign Ministers, *op. cit.*

¹¹¹ Joe Parkinson (citing Turkey’s state-run Anadolu Agency), “Turkey’s Erdogan Urges Action to Oust Syrian Regime,” *wsj.com*, August 30, 2013.

¹¹² Piotr Zalewski, “For Turkey, Planned U.S. Missile Strikes on Syria Not Good Enough,” *time.com*, August 30, 2013.

¹¹³ Dorian Jones, “Turkish Public Not Enthusiastic About Possible Attack on Syria,” *Voice of America*, September 3, 2013.

¹¹⁴ Umit Bektas, “Turkey adds troops, weapons on southeastern border with Syria,” *Reuters*, September 8, 2013.

¹¹⁵ For more information, see CRS Report R41368, *Turkey: Background and U.S. Relations*, by (name redacted).

¹¹⁶ Semih Idiz, “Will Turkey’s Parliament Back Attack on Syria?,” *Al-Monitor Turkey Pulse*, August 27, 2013.

Arab States¹¹⁷

Arab countries have staked differing positions on the Syrian civil war and have backed different rebel/political groups, perpetuating the divisiveness and disorganization of the armed and unarmed Syrian opposition. Until recently, Qatar had aggressively backed the Syrian Muslim Brotherhood in exile as well as various Islamist-oriented armed groups on the ground. There are some indications that the recent leadership transition in Qatar may result in a recalibration of Doha's former embrace of Islamist activists. Saudi Arabia, which also has backed its own militias, has been less supportive of more radical elements in the Syrian political and armed opposition. Private entities in the Arab Gulf states continue to provide material and political support to extremist groups operating in Syria. Egypt, where the military has returned to power after ousting a president who had hailed from the Muslim Brotherhood, may be even less inclined than Saudi Arabia to support Sunni Islamist Syrian rebels, though it has been preoccupied with internal issues throughout the war's duration.

What is the position of the Arab League?

Publicly, many Arab states are hesitant to endorse a possible Western military intervention in Syria. Nevertheless, on August 27, the Arab League, which had already suspended Syria from its membership back in 2011, issued a joint statement on the apparent August 21 chemical weapons attack, stating that it held "the Syrian regime responsible for this heinous crime." The statement also called on the United Nations Security Council to "overcome the disagreements between its members" [so it could] "take the necessary deterring measures against the perpetrators of this crime." The Arab League has modified its original position insisting on U.N. Security Council action to call for the Security Council and the international community to "take the deterrent and necessary measures against the culprits of this crime for which the Syrian regime bears responsibility."

Israel and Its Concern for Potential Retaliation¹¹⁸

An important U.S. concern regarding possible military action against Syria is potential retaliation by Syria and its allies—especially Iran and Lebanon-based Hezbollah, but also possibly Gaza-based militants such as Palestine Islamic Jihad¹¹⁹—against Israel. Possible threats of retaliation against other U.S. regional allies (including Turkey, Jordan, and Gulf Arab states) are linked to these countries' involvement in aiding the Syrian opposition and potentially serving as bases for U.S.-led military operations.¹²⁰ Even though Israel has reportedly carried out limited strikes in Syria this year to prevent the transfer of weapons to Hezbollah, retaliatory threats against it appear to stem less from its recent involvement in the conflict than from historical and geopolitical animosities and probable desires among Syria and its allies to deter the United States from acting militarily—given long-standing U.S. interests in Israel's security.

¹¹⁷ Prepared by (name redacted), Specialist in Middle Eastern Affairs.

¹¹⁸ Prepared by (name redacted), Specialist in Middle Eastern Affairs and (name redacted), Specialist in Missile Defense.

¹¹⁹ Hazem Balousha, "Islamic Jihad May Respond if Israel Enters Syria War," *Al-Monitor Palestinian Pulse*, September 2, 2013.

¹²⁰ See, e.g., Sam Dagher, "Senior Syria Official Urges U.S. Dialogue," *Wall Street Journal*, September 4, 2013.

At least since the 1991 Persian Gulf War, U.S. regional military planning has taken into account the possibility of attacks on Israel and the potential for any Israeli response to trigger wider regional war.¹²¹ In the present case, U.S. consideration of this factor is seemingly being weighed alongside concerns about possible consequences for Israel (in connection with overarching questions about defense of U.S. allies and U.S. credibility) if either the United States does not respond to the Assad regime's apparent use of chemical weapons in Syria, or any response it makes is ineffective. In September 3 hearing testimony before the Senate Foreign Relations Committee regarding the possible use of U.S. military force in Syria, Secretary Kerry said:

I can make it crystal clear to you that Israel will be less safe unless the United States takes this action. Iran and Hezbollah are two of the three biggest allies of Assad. And Iran and Hezbollah are the two single biggest enemies of Israel. So, if—Iran and Hezbollah are advantaged by the United States not curbing Assad's use of chemical weapons, there is a much greater likelihood that at some point down the road, Hezbollah, who has been one of the principal reasons for a change in the situation on the ground, will have access to these weapons of mass destruction.

Israeli Prime Minister Binyamin Netanyahu has said, "Now the whole world is watching. Iran is watching and it wants to see what would be the reaction on the use of chemical weapons."¹²² Yet, some accounts indicate that Israeli officials "have little desire to see [Assad] toppled," given what may follow, and are "wary of creating any perception that they are meddling in either American politics or the civil war in neighboring Syria."¹²³

American Jewish and self-described "pro-Israel" organizations are participating in the public discourse on the question of U.S. intervention. According to a *Washington Post* article, "groups such as the American Israel Public Affairs Committee and the Conference of Presidents of Major American Jewish Organizations called for bipartisan consensus [on September 3] around the use of force."¹²⁴ J Street, another organization, issued an August 29 statement on its website that read, "As President Obama and world leaders contemplate the appropriate course of action, we are cognizant that there are no easy or clear-cut solutions."¹²⁵

What threats exist from Syria, Iran, Hezbollah, and Gaza-based militants regarding potential retaliation against Israel in the event of a U.S.-led strike on Syria?

Syrian and Iranian officials have made statements indicating that Israel would be a target of retaliation in the event of a U.S.-led attack on Syria. General Mohammad Ali Jafari, chief of the Iranian Revolutionary Guard Corps (IRGC), was quoted as saying that an attack on Syria "means

¹²¹ During the 1991 Gulf War, Saddam Hussein's Iraq inflicted casualties (including two directly caused deaths and more than 1,000 injuries) and damage against Israel via SCUD missile attacks, but Israel did not respond militarily—largely due to U.S. entreaties and U.S. deployment in Israel of Patriot anti-missile batteries.

¹²² Josef Federman, "With Eye on Iran, Israelis Seek US Action in Syria," *Associated Press*, September 2, 2013.

¹²³ *Ibid.*

¹²⁴ Matea Gold and Holly Yeager, "Pro-Israel and Jewish groups strongly back military strike against Syria," *Washington Post*, September 4, 2013. Another organization has stated, "As President Obama and world leaders contemplate the appropriate course of action, we are cognizant that there are no easy or clear-cut solutions."

¹²⁵ "J Street Condemns Syrian Chemical Weapons Attack," August 29, 2013.

the immediate destruction of Israel.”¹²⁶ In an August 28 Lebanese news report, a source supposedly close to Hezbollah was cited as saying that Hezbollah would probably not retaliate against Israel in the event of a limited U.S.-led strike, but would likely retaliate in the event of a “large-scale Western strike” that aims to “change the balance of power in Syria.”¹²⁷ A source that supposedly liaises between Hezbollah and the Syrian military was cited as saying that a potential Hezbollah retaliation against Israel for a U.S. strike would take place from the Syrian city of Homs to “keep Lebanon out of the war.”¹²⁸ An Israeli military spokesman has publicly stated that although Israel is preparing for the contingency of Syrian or Syrian-allied retaliation against Israel in response to a U.S.-led strike, the probability of retaliation is low.¹²⁹ Israeli calculations that retaliation is possible but unlikely probably owe to a presumption that Israel’s adversaries do not want to risk escalating and expanding the conflict beyond its current level and scope.¹³⁰

What damage could retaliatory rocket or missile strikes do to Israel, and how prepared is Israel to defend itself?

If one or more of them chose to retaliate, Syria, Iran, Hezbollah, and Gaza-based militants could threaten Israeli territory—as indicated by the range maps (see below)—with thousands of rockets and missiles of varying ranges, accuracies, and payloads (i.e., high-explosives or possible chemical warheads in the case of Syrian SCUDs). In addition to insisting that it would respond forcefully to any attack on its territory, and calling up reserve military units, Israel maintains multiple anti-rocket and anti-missile platforms largely through U.S. assistance and/or co-production: Iron Dome, Patriot, and Arrow II.¹³¹ Israel claims substantial success with Iron Dome in countering rockets with ranges under about 75 km. The Patriot and Arrow II systems are designed to intercept Syrian SCUD missiles (ranges of 300-500 km). Iranian SCUDs are not capable of reaching Israel. It is unclear whether—and perhaps unlikely that—Patriot or Arrow II systems are capable of intercepting very short-range Hezbollah tactical missiles that could reach central and southern Israel. Reports indicate that transportable Iron Dome batteries have been deployed to various locations throughout the country, including Jerusalem.¹³² Although the U.S.-Israel cooperative platform David’s Sling has supposedly been tested successfully against short-range tactical missiles (40-300 km), this system is not expected to be operational until about 2014. It is possible that some David’s Sling units may have been deployed recently, but its availability to counter missiles from Hezbollah is unknown. There are no systems currently deployed in Israel that are designed to intercept Iranian medium-range ballistic missiles (1,500-

¹²⁶ Oren Dorell (citing the *Tasnim* news website), “Iran threatens payback on Syria; Russia sends warships,” *USA Today*, August 30, 2013.

¹²⁷ Hussein Dakroub, “Hezbollah will attack Israel if strike aims to topple Assad,” *Daily Star* (Lebanon), August 28, 2013.

¹²⁸ Dan Lavie, et al. (citing an Arabic-language report in Kuwait’s *Al Rai* newspaper), “Hezbollah vows to launch rockets at Israel from Homs,” *israelhayom.com*, September 3, 2013.

¹²⁹ Gili Cohen, “Senior military officer: Likelihood of attack on Israel is low,” *haaretz.com*, August 28, 2013. However, at least one poll indicates that nearly two thirds of Israeli Jews believe that a U.S.-led attack on Syria will “drag Israel into war.” Despite these results, the same poll suggests that nearly the same percentage supports a U.S.-led attack. Aharon Lapidot, “Poll: 67% of Israeli Jews support US attack against Syria,” *israelhayom.com*, August 30, 2013.

¹³⁰ See, e.g., Joshua Mitnick, “Israel Worries Rise over a Syrian Attack,” *Wall Street Journal*, August 27, 2013.

¹³¹ For more information, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by (name redacted).

¹³² Aaron Kalman, “Army deploys Iron Dome near Jerusalem,” *Times of Israel*, September 8, 2013.

2,000 km). The Arrow III, which is designed to counter such missiles, had a successful test launch in 2013, but is not expected to be operational until about 2014-2015.¹³³

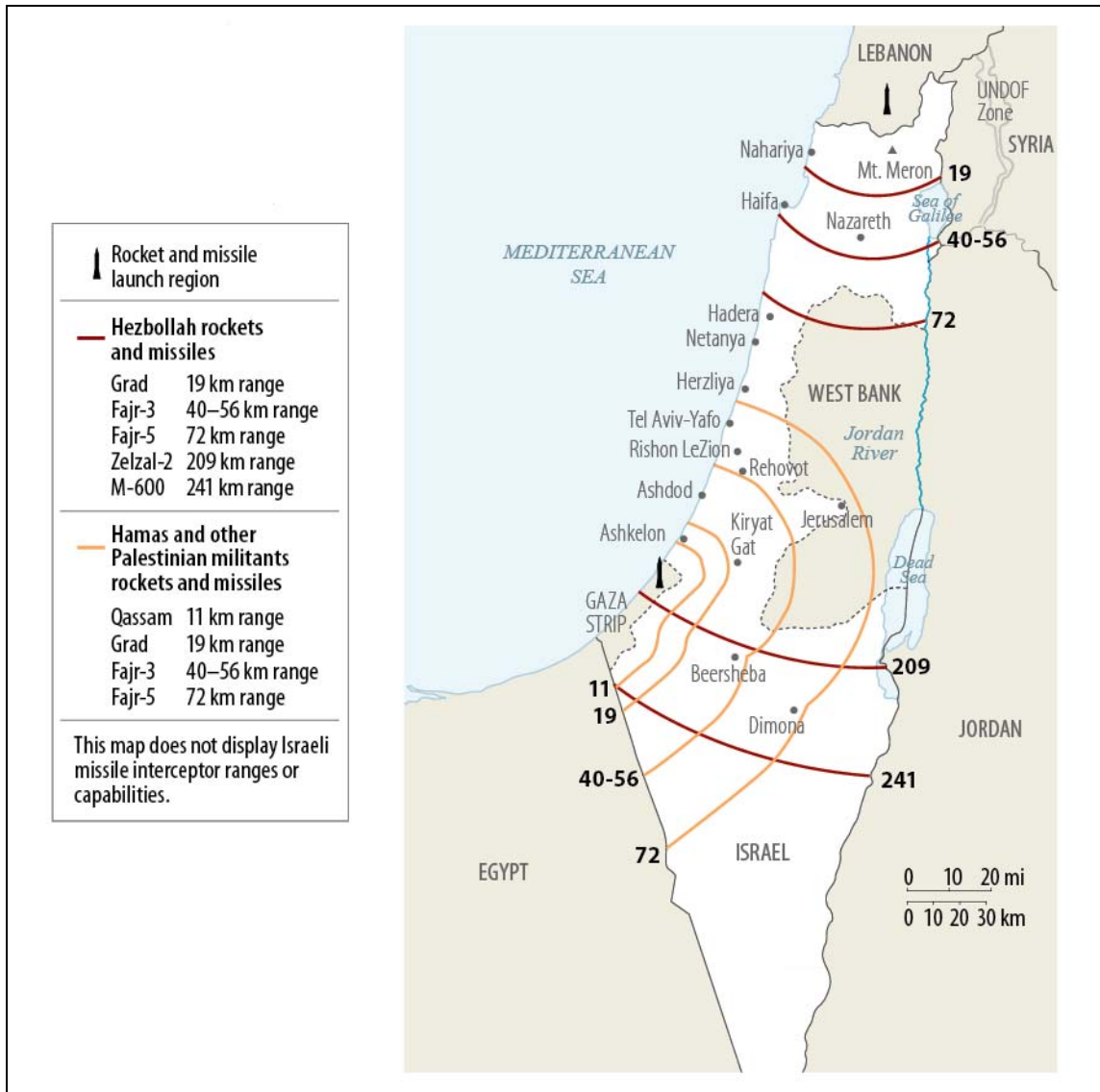
Israel is preparing additional measures on the home front to absorb a possible retaliatory strike. In previous instances—1991 during the Gulf War, 2006 against Hezbollah, and on two occasions (2008-2009 and November 2012) against Hamas and other Palestinian militants—many Israelis took cover in bomb shelters and in safe rooms that are now routinely built into their residences. According to reports, approximately 50 Israeli civilians were directly killed by missile and rocket strikes during these three conflicts combined.¹³⁴ There are concerns, however, that the more advanced missiles likely to be used in any retaliation from Iran, Syria, or Hezbollah could produce casualties and damage of a higher magnitude. In addition, a significant portion of the population may not have ready access to bomb shelters, and logistical complications and expense could delay full distribution of gas masks, which large numbers of Israelis are seeking in the event of a chemical weapons attack.¹³⁵

¹³³ Media reports indicate that in early September 2013, the United States and Israel conducted a test of the Arrow system's ability to "detect, track and communicate information about a simulated threat to Israel" through a missile launch from the Mediterranean. A Pentagon statement asserted that the test was unrelated to current developments in Syria. Jodi Rudoren, "Israel and U.S. Conduct Missile Test in Mediterranean," *New York Times*, September 4, 2013.

¹³⁴ See, e.g., Joel Greenberg, "Sense of inevitable war grips Israel," *Washington Post*, February 23, 2012. According to information provided by Israel's embassy in Washington, DC on March 8, 2012, the *Jerusalem Post* reported on January 7, 1992 that 72 Israeli civilians died indirectly from but as a consequence of Iraqi SCUD missile attacks during the 1991 Gulf War—four from gas mask suffocation and 68 from heart attacks. Thousands of Israeli civilians were injured in the previous conflicts combined, and the casualty numbers do not fully measure psychological effects. The combined cost in the four conflicts of property damage, civil defense and military preparedness (including evacuation and relocation of civilians), and the inability of many Israelis to work under emergency conditions is estimated to be in the billions.

¹³⁵ See, e.g., Reuven Pedatzur, "Who's in charge of the home front?," *haaretz.com*, September 2, 2013.

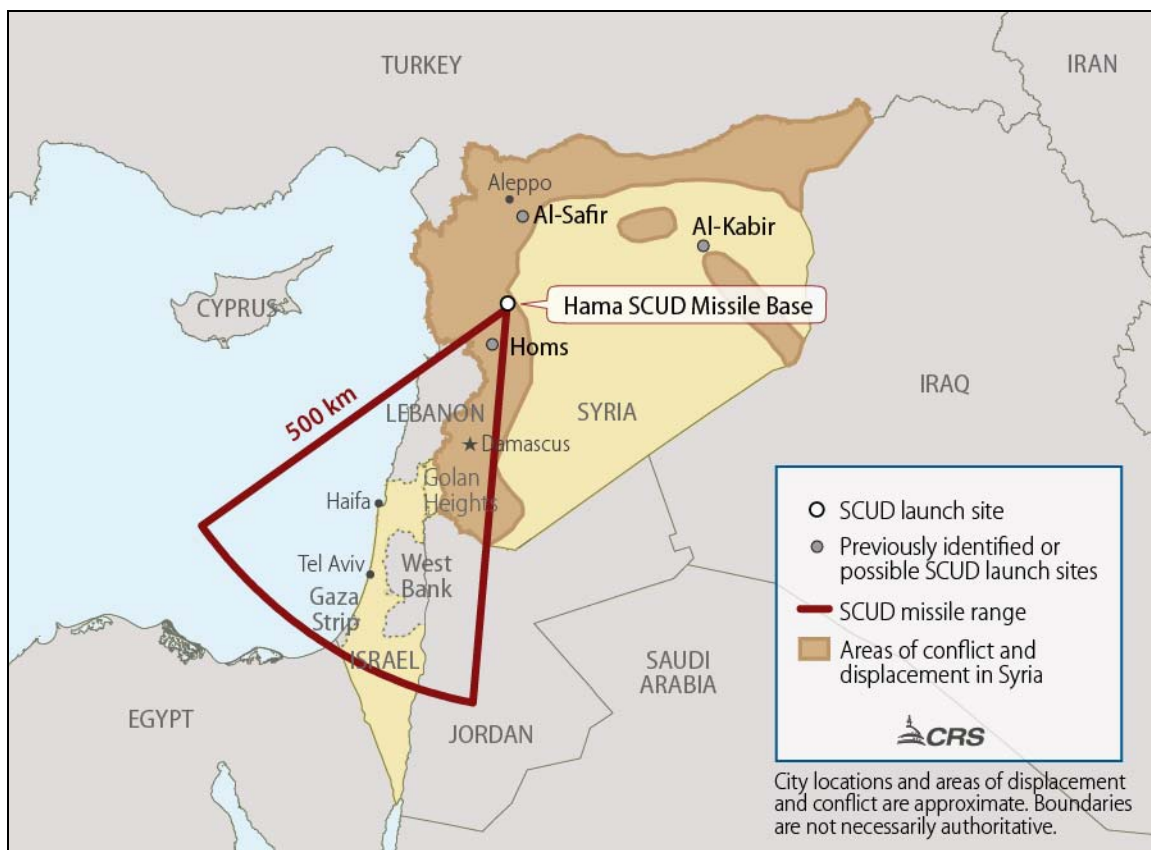
Figure 3. Possible Ranges of Rockets and Missiles from Hezbollah and Gaza-Based Militants



Source: Bipartisan Policy Center (February 2012), adapted by CRS.

Notes: All ranges are approximate.

Figure 4. Potential Ranges of Syrian SCUD Missiles Vis-à-vis Israel
(calculated from possible launch sites)



Source: Various, adapted by CRS.

Outlook

Intense current speculation centers around the potential for punitive U.S.-led military strike on Syrian government forces and the Russian government's proposed disarmament plan for Syria. Action on either of these initiatives would have major implications for the ongoing conflict in Syria and the international crisis the conflict has created. Given stated U.S. objectives and fears of a deeper power vacuum in Syria, it appears unlikely that any U.S. actions in the immediate future would attempt to eliminate the Assad regime entirely. President Obama has said "I have no interest in any kind of open-ended conflict in Syria," and, at present, U.S. officials hope to achieve a negotiated political settlement to establish a new government that can keep the Syrian state intact, secure its chemical weapon stockpiles, secure its borders, and prevent or combat terrorism.

The importance of the war in Syria for broader U.S. national security policy objectives may be linked more to its consequences for regional and global stability than to the details and outcome of the Syrian conflict itself. The civil war has sharpened divisions between the United States and some members of the European Union on the one hand and Russia and China on the other over competing concepts of how the international community should enforce peace and security and defend international norms. In the wake of the Libya conflict, the latter countries have continually

opposed U.S. and European efforts to use the United Nations Security Council to endorse the protection of civilians in Syria. It remains to be seen whether the members of the Security Council will find a mutually acceptable formula for implementing the proposed disarmament initiative.

The war also has raised concern that transnational terrorist groups modeled on Al Qaeda in Afghanistan-Pakistan may be resurgent in Syria and may gain access to advanced conventional weapons and weapons of mass destruction. Additionally, the Syrian government's alleged use of chemical weapons against its opponents and civilians is not only a serious development in the Syrian conflict but a potential precedent for other countries with possible chemical, biological, or nuclear programs. How the United States and others respond in the days and weeks ahead will most likely be watched closely in countries concerned with the potential for confrontation over similar programs in Iran and North Korea.

The war in Syria also has been a major dividing line within the United States over competing visions of U.S. foreign policy. Some commentators continue to assert that the American public is "war-weary," and that military intervention is inadvisable when public backing for expending "blood and treasure" on an operation of any duration and scope is uncertain. Others suggest that U.S. global leadership is needed more than ever to steer the country and its people away from what some see as isolationist tendencies.

Syria and U.S. Public Opinion

As of September 9, multiple public opinion polls show that a majority of Americans oppose proposed U.S. military action against the Syrian government in response to its mass use of chemical weapons on August 21. At least four different surveys taken between August 28 and September 8 indicate strong public opposition to U.S. military action. According to a Gallup poll conducted on September 3 to 4, 36% of Americans favor the United States taking military action in order to reduce Syria's ability to use chemical weapons. The majority—51%—oppose such action, while 13% are unsure.¹³⁶ A Pew Research Center survey conducted August 29 to September 1 indicates that by a 48% to 29% margin, more Americans oppose than support conducting military airstrikes against Syria in response to reports that the Syrian government used chemical weapons.¹³⁷ A Washington Post-ABC News poll conducted August 28 to September 1 indicates that 59% of Americans oppose launching missile strikes against the Syrian government.¹³⁸ Finally, a CNN-ORC poll conducted between September 6 and 8 indicates that 59% of respondents believe that Congress should not pass a resolution authorizing limited U.S. military action in Syria.¹³⁹

¹³⁶ <http://www.gallup.com/poll/164282/support-syria-action-lower-past-conflicts.aspx>

¹³⁷ <http://www.people-press.org/2013/09/03/public-opinion-runs-against-syrian-airstrikes/>

¹³⁸ http://www.washingtonpost.com/politics/majority-oppose-missile-strikes-on-syria/2013/09/03/b446e13c-14e8-11e3-880b-7503237cc69d_graphic.html

¹³⁹ <http://i2.cdn.turner.com/cnn/2013/images/09/09/6a.poll.syria.pdf>

Appendix. Analysis of Proposed Authorizations for the Use of Military Force as of September 6, 2013

The following analysis is based on the following texts available as of September 6, 2013:

- Administration Draft Proposal: CNN, Text of draft legislation submitted by Obama to Congress, August 31, 2013.
- S.J.Res. 21: Available online from the Senate Foreign Relations Committee at <http://www.foreign.senate.gov/imo/media/doc/S.%20J.%20Res.%2021.pdf>
- Draft Proposal from Representatives Van Hollen and Connolly: Available at: <http://www.lawfareblog.com/wp-content/uploads/2013/09/165278488-House-Van-Hollen-Connolly-Syria-Resolution.pdf>

Table A-1. Proposed Authorizations for the Use of Military Force as of September 6, 2013

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
<p>Findings—Syrian Government use of chemical weapons</p>	<p>[Preamble para. 1] Whereas, on August 21, 2013, the Syrian government carried out a chemical weapons attack in the suburbs of Damascus, Syria, killing more than 1,000 innocent Syrians;</p>	<p>[Preamble para. 1] Whereas the Assad regime has the largest chemical weapons programs in the region and has demonstrated its capability and willingness to repeatedly use weapons of mass destruction against its own people, including the August 21, 2013, attack in the suburbs of Damascus in which the Assad regime murdered over 1,000 innocent people, including hundreds of children;</p> <p>[Preamble para. 2] Whereas there is clear and compelling evidence of the direct involvement of Assad regime forces and senior officials in the planning, execution, and after-action attempts to cover-up, the August 21, 2013, attack, and hide or destroy evidence of such attack;</p> <p>[Preamble para. 3] Whereas the Arab League has</p>	<p>[Preamble para. 1] Whereas, on August 21, 2013, the Syrian government carried out a chemical weapons attack in the suburbs of Damascus, Syria, killing more than 1,000 innocent Syrians;</p>	

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		declared with regards to the August 21, 2013, incident to hold the “Syrian regime responsible for this heinous crime”;		
Findings—Other Syrian government actions		[Preamble para. 9] Whereas the abuses of the regime of Bashar al-Assad have included the brutal repression and war upon its own civilian population, resulting in more than 100,000 people killed in the past two years, 2,000,000 Syrian refugees in neighboring countries, and 4,500,000 internally displaced persons in Syria, creating an unprecedented regional crisis and instability;		
Findings—International Law	[Preamble para. 3] Whereas the United States and 188 other countries comprising 98 percent of the world's population are parties to the Chemical Weapons Convention, which prohibits the development, production, acquisition, stockpiling or use of chemical weapons;	[Preamble para. 5] Whereas the actions and conduct of the Assad regime are in direct contravention of Syria’s legal obligations under the United Nations Charter, the Geneva Conventions, and the Protocol to the Hague Convention on the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological	[Preamble para. 3] Whereas the United States and 188 other countries comprising 98 percent of the world’s population are parties to the Chemical Weapons Convention, which prohibits the development, production, acquisition, stockpiling, or use of chemical weapons;	

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		Methods of Warfare, done at Geneva June 17, 1925, and also violate the standards set forth in the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993;		
	[Preamble para. 5] Whereas the United Nations Security Council, in Resolution 1540 (2004), affirmed that the proliferation of nuclear, chemical and biological weapons constitutes a threat to international peace and security;	[Preamble para. 7] Whereas the United Nations Security Council, in Resolution 1540 (2004), affirmed that the proliferation of nuclear, chemical, and biological weapons constitutes a threat to international peace and security;	[Preamble para. 5] Whereas the United Nations Security Council, in Resolution 1540 (2004), affirmed that the proliferation of nuclear, chemical and biological weapons constitutes a threat to international peace and security;	
		[Preamble para. 8] Whereas Syria's use of weapons of mass destruction and its conduct and actions constitute a grave threat to regional stability, world peace, and the national security interests of the United States and its allies and partners;		
	[Preamble para. 2] Whereas these flagrant actions were in violation of international	[Preamble para. 4] Whereas Syria is in material breach of the laws of war by having employed chemical weapons	[Preamble para. 2] Whereas these flagrant actions were in violation of international	

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
	norms and the laws of war;	against its civilian population;	norms and the laws of war;	
Findings—Current U.S. Law	[Preamble para. 4] Whereas, in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, Congress found that Syria's acquisition of weapons of mass destruction threatens the security of the Middle East and the national security interests of the United States;	[Preamble para. 6] Whereas in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (P.L. 108-175), Congress found that Syria's acquisition of weapons of mass destruction threatens the security of the Middle East and the national security interests of the United States;	[Preamble para. 4] Whereas, in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, Congress found that Syria's acquisition of weapons of mass destruction threatens the security of the Middle East and the national security interests of the United States;	
Findings—Conflict resolution in Syria	[Preamble para. 7] Whereas, the conflict in Syria will only be resolved through a negotiated political settlement, and Congress calls on all parties to the conflict in Syria to participate urgently and constructively in the Geneva process;	[Preamble para. 11] Whereas, on May 21, 2013, the Committee on Foreign Relations of the Senate passed by a 15-3 vote the Syria Transition Support Act (S. 960), which found that the President's goals of Assad leaving power, an end to the violence, and a negotiated political settlement in Syria are prerequisites for a stable, democratic future for Syria and regional peace and security, but absent decisive changes to the present military balance of power on the ground in Syria, sufficient incentives do not yet exist for the achievement of such	[Preamble para. 8] Whereas, the conflict in Syria will only be resolved through a negotiated political settlement, and Congress calls on all parties to the conflict in Syria to participate urgently and constructively in the Geneva process;	

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		goals;		
Findings—U.S. objectives and purposes	[Preamble para. 6] Whereas, the objective of the United States' use of military force in connection with this authorization should be to deter, disrupt, prevent, and degrade the potential for, future uses of chemical weapons or other weapons of mass destruction;	[Preamble para. 10] Whereas the objectives of the United States use of military force in connection with this authorization are to respond to the use, and deter and degrade the potential future use, of weapons of mass destruction by the Government of Syria;	[Preamble para. 6] Whereas, the objective of the United States' use of military force in connection with this authorization should be to deter and prevent the future use of chemical weapons; [Preamble para. 7] Whereas military action limited in duration, scope, and purpose is necessary to prevent the continued use of chemical weapons;	
Characterization of congressional-executive relations concerning war powers	[Preamble para. 8] Whereas, unified action by the legislative and executive branches will send a clear signal of American resolve:	[Preamble para. 12] Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States:	[Preamble para. 9] Whereas, unified action by the legislative and executive branches will send a clear signal of American resolve:	The Administration and House proposals state that congressional-executive cooperation regarding uses of force is important, and reflect the concept of shared constitutional war powers between the two branches. The Senate proposal asserts that the President has an inherent constitutional right to use force and makes no statement regarding

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
				congressional approval.
Introduction	[introductory language and short title not included in Administration draft]	<p>Now, therefore, be it <i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,</i></p> <p>SECTION I. SHORT TITLE.</p> <p>This joint resolution may be cited as the “Authorization for the Use of Military Force Against the Government of Syria to Respond to Use of Chemical Weapons”.</p>	<p>Now, therefore, be it <i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,</i></p> <p>SECTION I. SHORT TITLE.</p> <p>This joint resolution may be cited as the “Authorization for Limited Use of Military Force Against Syria Resolution”.</p>	
What military resources and activities are authorized?	<p>SEC. __. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.</p> <p>(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States</p>	<p>SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.</p> <p>(a) AUTHORIZATION.— The President is authorized, subject to subsection (b), to use the Armed Forces of the United States as the President determines to be</p>	<p>SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.</p> <p>(a) AUTHORIZATION.— Subject to the limitations set forth in this joint resolution, the President is authorized to use the United States Armed Forces</p>	The proposals do not specify the precise resources or methods of force authorized to be used to carry out the purposes of each resolution; they provide general authorization to use the U.S. Armed Forces. The Senate proposal allows the President to determine

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		necessary and appropriate in a limited and specified manner		resources and methods he deems necessary and appropriate, while stating in general terms that the use of force should be carried out in a limited and specified manner. The resolution does not define limited or specified.
Does the authorization meet the requirements of the War Powers Resolution?	<p>(b) WAR POWERS RESOLUTION REQUIREMENTS.—</p> <p>(1) SPECIFIC STATUTORY AUTHORIZATION.— Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.</p> <p>(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.</p>	<p>(c) WAR POWERS RESOLUTION REQUIREMENTS.—</p> <p>(1) SPECIFIC STATUTORY AUTHORIZATION.— Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)), within the limits of the authorization established under this section.</p> <p>(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution (50</p>	<p>(c) WAR POWERS RESOLUTION REQUIREMENTS.—</p> <p>(1) SPECIFIC STATUTORY AUTHORIZATION.— Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization with the meaning of section 5(b) of the War Powers Resolution.</p> <p>(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.</p>	The three provisions are substantively similar, seeking to satisfy the requirement in Section 5(b) of the War Powers Resolution that Congress has provided the President specific congressional authority to introduce U.S. Armed Forces into hostilities, thus exempting the use of force from that section’s 60-day withdrawal requirement at least to the extent the particular use of force falls within the scope of the authorization.

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		U.S.C. 1541 et seq.).		
Do the resolutions specify authorized military targets and/or a defined geographic scope?	[none]	[Sec. 2(a)] . . . against legitimate military targets in Syria to prevent the transfer to terrorist groups or other state or non-state actors within Syria of any weapons of mass destruction	[none]	Only the Senate proposal provides language specifying targets and geographic scope, authorizing the use of U.S. Armed Forces against military targets within Syrian territory. However, as reported, the resolution would authorize the use of force to prevent the transfer of chemical weapons to terrorist groups or other state or non-state actors within Syria, raising the prospect of the use of U.S. military force against unspecified entities in Syria.
How is the scope of the President’s authority characterized within the parameters of the overall authorization?	[Sec. __ (a)] . . . as he determines to be necessary and appropriate in connection with the use of chemical weapons or other weapons of mass destruction in the conflict in Syria	[Sec. 2(a)] . . . as the President determines to be necessary and appropriate	[none]	Both the Administration and the Senate proposals include language that makes explicit the President’s authority to use the U.S. Armed Forces as he determines to be necessary and appropriate. Both the Senate and House proposals limit and place conditions on that broad scope (discussed below). The Administration’s “in connection with” language both constrains the use of the Armed Forces to the use

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
				of certain weapons in the Syria conflict, but may include many uses of Armed Forces not yet contemplated that could be argued are “in connection” with recent use of chemical weapons in Syria.
What is the purpose of the use of U.S. Armed Forces?	<p>[Sec. __ (a)] . . . in order to—</p> <p>(1) prevent or deter the use or proliferation (including the transfer to terrorist groups or other state or non-state actors), within, to or from Syria, of any weapons of mass destruction, including chemical or biological weapons or components of or materials used in such weapons; or</p> <p>(2) protect the United States and its allies and partners against the threat posed by such weapons.</p>	<p>[Sec. 2(a)] . . . only to—</p> <p>(1) respond to the use of weapons of mass destruction by the Government of Syria in the conflict in Syria;</p> <p>(2) deter Syria’s use of such weapons in order to protect the national security interests of the United States and to protect United States allies and partners against the use of such weapons;</p> <p>(3) degrade Syria’s capacity to use such weapons in the future; and</p> <p>(4) prevent the transfer to terrorist groups or other state or non-state actors within Syria of any weapons of mass destruction.</p>	<p>[Sec. 2(a)] . . . to prevent and deter the further use of chemical weapons in Syria or by Syria against any other group or country.</p>	<p>The proposals use similar language, but with varying effect. The Administration proposal would authorize action to prevent, deter, or protect the United States and its partners and allies from the threat of, any use or proliferation of chemical weapons or WMD that has any Syria nexus (“within, to or from Syria”).</p> <p>The Senate proposal limits authority (“only to”) to act to four purposes, set out in four paragraphs linked by “and,” which can be read as requiring each action taken to meet each of the four purposes. Actions taken must be in response to the Syrian government’s use of WMD in Syria. The Senate proposal authorizes action to deter only Syria’s use of</p>

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				<p>certain weapons, and only in order to protect U.S. national security and its allies and partners against such weapons' uses. It authorizes actions to prevent proliferation but only within Syria and to terrorist groups, states, or non-state actors. It includes an additional purpose to degrade Syria's ability to use such weapons in the future. (The Administration proposal does include "degrade" language in its preamble, para. 6.)</p> <p>The House proposal limits its purposes to preventing and deterring the future use of such weapons in Syria or by the Syrian government.</p>
What are the limitations and conditions on the President's authority?				
Formal presidential determination prior to exercising authority	[none]	<p>(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.</p> <p>—Before exercising the authority granted in subsection (a), the President shall make available to the</p>	[none]	

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		<p>Speaker of the House of Representatives and the President pro tempore of the Senate the President's determination that—</p> <p>(1) the United States has used all appropriate diplomatic and other peaceful means to prevent the deployment and use of weapons of mass destruction by Syria;</p> <p>(2) the Government of Syria has conducted one or more significant chemical weapons attacks;</p> <p>(3) the use of military force is necessary to respond to the use of chemical weapons by the Government of Syria;</p> <p>(4) it is in the core national security interest of the United States to use such military force;</p> <p>(5) the United States has a military plan to achieve the specific goals of—</p> <p>(A) responding to the use of weapons of mass destruction by the Government of Syria in the conflict in Syria;</p>		

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		<p>(B) deterring Syria’s use of such weapons in order to protect the national security interests of the United States and to protect United States allies and partners against the use of such weapons;</p> <p>(C) degrading Syria’s capacity to use such weapons in the future; and</p> <p>(D) preventing the transfer to terrorist groups or other state or non-state actors within Syria of any weapons of mass destruction; and</p> <p>(6) the use of military force is consistent with and furthers the goals of the United States strategy toward Syria, including achieving a negotiated political settlement to the conflict.</p>		
Restriction on deployment of U.S. personnel to into Syria	[none]	<p>SEC. 3. LIMITATION.</p> <p>The authority granted in section 2(a) does not authorize the use of the United States Armed Forces</p>	<p>[Sec. 2] (b) LIMITATION.—</p> <p>The authority granted in subsection (a) excludes the authority to deploy United States Armed Forces on the ground in Syria except with</p>	<p>The Administration proposal does not prohibit or limit deployment of U.S. Armed Forces personnel to Syria or other foreign countries.</p>

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		on the ground in Syria for the purpose of combat operations.	respect to efforts to rescue United States personnel.	<p>The Senate proposal excludes the authority to deploy U.S. Armed Forces “on the ground in Syria for the purposes of combat operations.” It may not exclude the introduction of such forces on the ground for other purposes. It may not exclude introduction of such forces, therefore, into Syrian waters or airspace. U.S. Armed Forces personnel might be authorized to be deployed over Syrian airspace or into Syrian waters. The exclusion regarding the deployment of U.S. Armed Forces into Syrian territory only applies to deployments “for the purpose of combat operations.” Deployment of U.S. Armed Forces into Syrian territory for any activities that do not fall within the definition of “combat operations” would presumably fall within the scope of the resolution if otherwise authorized under the other provisions. “Combat operations” is not</p>

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
				<p>defined in the Senate proposal. Arguably, the use of ground forces for combat operations would not be prohibited, but would trigger the 60-day withdrawal requirement under the War Powers Resolution.</p> <p>The House proposal also partially withholds authority to deploy U.S. Armed Forces into the territory of Syria, but not its waters or airspace. It is more restrictive than the Administration and Senate proposals, as it permits deployment of U.S. Armed Forces into Syrian territory only “with respect to efforts” to rescue U.S. personnel. It is unclear how extensive deployments of U.S. Armed Forces to Syrian territory could be in connection with such “efforts.”</p>
Expiration of authority	[none]	SEC. 4. TERMINATION OF THE AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.	SEC. 3. SUNSET. (a) IN GENERAL.—Subject to subsection (b), the authority granted in section 2(a) shall	The Administration proposal does not include an expiration date for the authorization.

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		<p>The authorization in section 2(a) shall terminate 60 days after the date of the enactment of this joint resolution, except that the President may extend, for a single period of 30 days, such authorization if—</p> <p>(1) the President determines and certifies to Congress, not later than 5 days before the date of termination of the initial authorization, that the extension is necessary to fulfill the purposes of this resolution as defined by section 2(a) due to extraordinary circumstances and for ongoing and impending military operations against Syria under section 2(a); and</p> <p>(2) Congress does not enact into law, before the extension of authorization, a joint resolution disapproving the extension of the authorization for the additional 30-day period; provided that any such joint resolution shall be considered under the expedited procedures</p>	<p>expire upon the conclusion of each military action conducted by the United States Armed Forces beginning after the initial military action conducted by the United States Armed Forces, unless the President certifies to Congress in writing with respect to such subsequent military action that the President finds with high confidence that Syria has used chemical weapons since the conclusion of the immediately preceding military action conducted by the United States Armed Forces.</p> <p>(b) FINAL SUNSET.— Notwithstanding any other provision of law, the authority granted in section 2(a) shall expire on the date that is 60 days after the date of the enactment of this joint resolution.</p>	<p>The Senate proposal would place a 60-day time limit on the authorization, extendable for 30 days one time only by request of the President under certain conditions. Para. (2) of Section 4 of the Senate proposal states that one condition of the extension is that Congress does not enact a joint resolution disapproving any such extension before such extension is granted. Section 4 states that such a joint resolution would be considered under the expedited procedures for concurrent resolutions under the War Powers Resolution. As it does not require that such a joint resolution be signed into law by the President, this requirement might be considered a form of “legislative veto,” which in other forms has been struck down by the Supreme Court as unconstitutional.</p>

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		otherwise provided for concurrent resolutions of disapproval contained in section 7 of the War Powers Resolution (50 U.S.C. 1546).		The House proposal also sets a 60-day expiration for the authorization. During the 60 days, the proposal also seems to seek to limit the President's authority to one "military action," after which no further action is permitted unless the President certifies to Congress "with high confidence" that the Syrian government has used chemical weapons after the conclusion of the previous U.S. military action. "Military action" is not defined generally or in terms of content, scope, or duration in the resolution.
Interpretation Limiting Scope of Authorization	[none]	SEC. 8. RULE OF CONSTRUCTION. The authority set forth in section 2 shall not constitute an authorization for the use of force or a declaration of war except to the extent that it authorizes military action under the conditions, for the specific purposes, and for the limited period of time set forth in this resolution.	[none]	The Senate proposal includes a rule of construction that seeks to ensure the authorization is not read to expand the President's authority to undertake military action in response to situations other than the use of chemical weapons by the Syrian government.

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
How are the roles of Congress and the President characterized or explained?				
Congressional determination of U.S. policy	[none]	<p>SEC. 5. STATEMENT OF POLICY.</p> <p>(a) CHANGING OF MOMENTUM ON BATTLEFIELD.—It is the policy of the United States to change the momentum on the battlefield in Syria so as to create favorable conditions for a negotiated settlement that ends the conflict and leads to a democratic government in Syria.</p> <p>(b) DEGRADATION OF ABILITY OF REGIME TO USE WEAPONS OF MASS DESTRUCTION.—A comprehensive United States strategy in Syria should aim, as part of a coordinated international effort, to degrade the capabilities of the Assad regime to use weapons of mass destruction while upgrading the lethal and non-lethal military capabilities of vetted elements of Syrian opposition forces, including the Free Syrian Army.</p>	[none]	The Senate proposal makes statements about U.S. policy concerning the Syrian conflict in general. The proposal echoes the Administration’s goal of a negotiated settlement and states that it is the policy of the United States to change the momentum in Syria’s civil war in an undefined manner, but presumably in favor of forces seeking to create “a democratic government in Syria.” It also recommends that U.S. strategy in Syria should include a goal to degrade Syria’s ability to use WMD.
Congressional role in	[none]	SEC. 6. SYRIA STRATEGY.	[none]	The Senate proposal

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
determining Syria strategy		<p>(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this resolution, the President shall consult with Congress and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an integrated United States Government strategy for achieving a negotiated political settlement to the conflict in Syria, including a comprehensive review of current and planned United States diplomatic, political, economic, and military policy towards Syria.</p> <p>(b) ELEMENTS.—The strategy required under subsection (a) shall include—</p> <p>(1) the provision of all forms of assistance to the Syrian Supreme Military Council and other Syrian entities opposed to the government of Bashar Al- Assad that have been properly and fully vetted and share common values and interests with the</p>		requires the President to consult Congress on U.S. strategy toward Syria, to include certain elements in a Syria strategy, and to submit such strategy to the Senate Foreign Relations and House Foreign Affairs Committees.

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		<p>United States;</p> <p>(2) the provision of all forms of assistance to the Syrian political opposition, including the Syrian Opposition Coalition;</p> <p>(3) efforts to isolate extremist and terrorist groups in Syria to prevent their influence on the future transitional and permanent Syrian governments;</p> <p>(4) security coordination with allies and regional partners including Israel, Jordan and Turkey;</p> <p>(5) efforts to limit support from the Government of Iran and others for the Syrian regime;</p> <p>(6) planning for securing existing chemical, biological, and other weapons supplies; and</p> <p>(7) efforts to address the ongoing humanitarian challenges presented by 2,000,000 Syrian refugees in neighboring countries, and 4,500,000 internally displaced persons in Syria, and related humanitarian needs.</p>		

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
<p>Congressional oversight of presidential actions pursuant to authorization</p>		<p>SEC. 7. CONGRESSIONAL NOTIFICATION AND REPORTING.</p> <p>(a) NOTIFICATION AND PROVISION OF INFORMATION.—Upon the President’s determination to use the authority set forth in section 2, the President shall notify Congress, including the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, of the use of such authority and shall keep Congress fully and currently informed of the use of such authority.</p> <p>(b) REPORTS.—Not later than 10 days after the initiation of military operations under the authority provided by section 2, and every 20 days thereafter until the completion of military operations, the President shall submit to Congress, including the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a</p>		<p>The Senate proposal requires the President to notify Congress of his utilization of authority to use military force in the resolution, and to report periodically on actions taken under that authority.</p>

	Obama Administration Proposal	SFRC-Reported Proposal	Van Hollen-Connolly Proposal	Comments
		<p>report on the status of such operations, including progress achieved toward the objectives specified in section 2(a), the financial costs of operations to date, and an assessment of the impact of the operations on the Syrian regime's chemical weapons capabilities and intentions.</p>		

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