



House Votes in Favor of Syria Sanctions

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On Tuesday, November 15, the House agreed, by a unanimous voice vote, to pass HR5732, the Caesar Civilian Protection Act of 2016, a bill that would impose new sanctions on the Syrian government and its supporters. The bill is named after a Syrian military defector who testified before Congress last summer. The bill would also target Russian backers of the Assad regime. The legislation encourages negotiations to end the crisis and calls for investigations into the eventual prosecution of war criminals. The bill was sponsored by House Foreign Affairs Committee (HFAC) Chairman Ed Royce (R-California) and ranking Democrat Eliot Engel (D-New York).

Background

The bipartisan legislation was introduced by Royce and Engel on July 12, 2016. The bill currently has 89 cosponsors. On July 14, the HFAC held a mark-up and favorably reported the legislation.

In September, shortly before the congressional adjournment, the House was prepared to bring the bill to the House floor. Pressure from the White House, opposed to the bill, resulted in the Democratic Leadership pulling its support, thus preventing consideration of the bill. The White House argued that if Congress voted on the Syrian sanctions bill, that could negatively affect the negotiations for a cease-fire agreement headed by Secretary of State John Kerry. Although Engel and the Democrats were skeptical of the success of a cease-fire, they acceded to the White House's desire to pull the bill.

Engel and the Obama Administration have never agreed on Syria policy. Engel has long supported the creation of a no-fly zone and stronger support for the armed Syrian opposition. But, in a spirit of bipartisan cooperation, he worked with the White House in writing the bill hoping the Administration would support the legislation.

Now with the failure of the cease-fire and Assad's resumption of barrel bombing civilians in Aleppo, the House was determined to bring the bill to the floor despite the objections of the White House. On November 15, the bill was brought to the floor of the House under the suspension calendar and approved by unanimous voice vote. Under Suspension of the Rules, debate on a measure is limited to one hour, no amendments are offered and the bill must be approved by a two-thirds majority.

The next step in the legislative process is referral to the Senate for approval. At this point in time is unclear if the Senate will take up the measure. Senator Ron Wyden (D-Oregon) wrote a letter to

the Treasury Secretary indicating his desire to tighten sanctions on Syria, but has not introduced legislation to do so. Congress will be in session until mid-December, with a break for Thanksgiving.

The Senate may be willing to wait until the 115th Congress to consider any additional sanctions on Syria, and what President-elect Trump will do with respect to Syria policy. Trump has advocated a rapprochement with Russia to fight ISIS in Syria. He does not support regime change and may oppose legislation that would target Assad, with whom he wants to work to defeat ISIS. Trump is likely to face some push back from Senators like John McCain (R-Arizona) who would oppose working with Assad.

Administration Opposition

The White House remains opposed to the bill, on the grounds that it will undermine its Syria diplomacy. However, it appears the White House abandoned its efforts to prevent the bill from coming to the House floor November 15. The President has not said that he will veto the bill if enacted by Congress. In opposing the legislation in September, White House Press Secretary said the Administration has the authority to impose sanctions against the Assad regime if it believes that they will advance US interests in that part of the world. Currently, the Administration is seeking to maximize the pressure that can be applied to the regime to achieve a political settlement. Moreover, the Obama Administration firmly believes that unilateral sanctions by the US are not the most effective way to deal with the Assad regime.

Opponents of the bill believe that adding another set of sanctions against Syria (or Iran and Russia) will not end the brutal killing in Syria nor change the behavior of these countries, which have cleverly circumvented US sanctions. Additional sanctions will only tie the hands of diplomatic efforts to reach a political settlement in Syria. Moreover, the bill sends a signal to the parties involved that the Obama Administration lacks the political space and flexibility to negotiate a political settlement. Finally, the Administration opposes congressional micromanagement and the infringement on the President's ability to conduct foreign policy.

Supporters of the legislation, however, believe the President's Syria policy has been an abject failure. On November 15, House Speaker Paul Ryan (R-Wisconsin) issued a statement before the vote noting that "Republicans and Democrats recognize the need to isolate the Assad regime for its continued atrocities against the Syrian people. I'm glad the White House has stopped blocking these critical sanctions, which are a necessary response to Assad's crimes against humanity. I want to thank Chairman Royce and Ranking Member Engel for working together in a bipartisan fashion to bring this bill to the floor." He further noted that in his view, the Obama Administration is protecting some of the world's worst criminals and called on the White House to allow House Democrats to work with Republicans to pass the Caesar Civilian Protection bill.

What the Bill Does

If enacted into law, HR5732 would tie the hands of diplomats who are working to negotiate a political settlement.

Specifically, Titles I and II of the bill outline additional sanctions to be imposed against the Syrian government and any other country or company (Iran, Russia) that does business with the Assad regime. Section 101 imposes sanctions with respect to the Central Bank of Syria and foreign persons that engage in certain transactions. Section 102 prohibits the transfer of arms and related materials to Syria.

Section 201 through 203 impose sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members; imposes sanctions against the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses; and imposes sanctions against persons who hinder humanitarian access.

Sections 301-304 require a series of reports to Congress for humanitarian-related activities with respect to Syria.

Sections 401-402 lay out a series of unrealistic preconditions the President would have to certify if another cease-fire were to be negotiated, instead of a broader political settlement. The President would have to certify the following:

- The Assad regime and its associated forces stop all aerial attacks on civilians;
- All areas under the control of Assad have regular access to humanitarian assistance, freedom of travel and medical care;
- The Syrian government is releasing all political prisoners forcibly held within the Assad regime's prison system and it has allowed full access to the same facilities for investigations by appropriate international human rights organizations; and
- The Assad regime and its associated forces are no longer targeting civilian areas.

As praiseworthy as these goals may be, it is unlikely that the above criteria would ever be met in the foreseeable future. There is no reason to believe that Assad, a brutal dictator, would ever allow international human rights organizations access to his prisons.