

116TH CONGRESS
1ST SESSION

H. R. 4868

To certify that United States assistance to the United Nations for humanitarian programs in the Syrian Arab Republic is not misdirected, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2019

Mr. WILSON of South Carolina (for himself, Mr. KILDEE, Mr. GONZALEZ of Texas, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To certify that United States assistance to the United Nations for humanitarian programs in the Syrian Arab Republic is not misdirected, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop UN Support for
5 Assad Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States, which has been the big-
9 gest donor to the United Nations (UN) Humani-

1 tarian Response in Syria, has provided more than
2 \$6,000,000,000 for UN Syria programming since
3 2011, including over \$435,000,000 in fiscal year
4 2018 alone.

5 (2) During the past eight years of conflict, the
6 Assad regime has repeatedly weaponized access to
7 United Nations aid in prolonged and unlawful sieges
8 of civilians as part of a widespread “starve or sur-
9 render” campaign, with the United Nations esti-
10 mating 975,000 Syrians under siege at the peak of
11 this strategy.

12 (3) The United Nations Office for the Coordi-
13 nation of Humanitarian Affairs (OCHA) has re-
14 ported repeated failures to deliver aid to the hardest-
15 hit areas due to such obstructions by the Assad re-
16 gime.

17 (4) On February 12, 2018, former U.S. Amba-
18 sador to Syria Robert Ford wrote of UN aid in
19 Syria that “it is clear the aid is not neutral and is
20 being used as a weapon by the Syrian government.”.

21 (5) The United Nations continues to procure
22 goods and services from several entities that have
23 close ties to the Assad regime, despite their role in
24 supporting the Assad regime’s gross human rights
25 violations and international crimes—including tor-

1 ture, sexual violence, the targeting of medical facili-
2 ties, weaponized mass starvation, enforced dis-
3 appearance, and forced displacement—for which the
4 United Nations itself has found the Assad regime
5 culpable.

6 (6) A 2016 study of the UN Report of Procure-
7 ment showed that UN operations in Syria delivered
8 \$4 million to Syria’s state-owned fuel industry, \$5
9 million to blood banks operated by the Syrian Arab
10 Army for the benefit of its troops, and \$8.5 million
11 to charities co-opted by members of the Assad fam-
12 ily.

13 (7) International NGOs working with the
14 United Nations are forced to select local partners,
15 many of which are controlled by the Assad family
16 and inner circle, from a government-approved list,
17 therefore allowing these actors to profit from hu-
18 manitarian relief efforts and perpetuate the conflict,
19 international crimes, and human rights violations.

20 (8) The Assad regime compels the United Na-
21 tions to house its 150 international staff in the Four
22 Seasons Hotel Damascus where, since 2016, the
23 United Nations has spent more than \$26,000 a
24 night, equalling nearly \$10 million a year.

1 (9) On June 11, 2019, the United States
2 Treasury Department sanctioned the Four Seasons
3 Hotel in Damascus for its role in fueling an illicit
4 network benefitting the Assad regime, and also sanc-
5 tioned its owner Samer Foz a businessman who is
6 “directly supporting the murderous Assad regime
7 and building luxury developments on land stolen
8 from those fleeing his brutality”, according to U.S.
9 Treasury Undersecretary Sigal Mandelker; the Euro-
10 pean Union likewise sanctioned Foz for funding the
11 Military Security Shield Forces, a pro-government
12 militia responsible for severe human rights abuses.

13 (10) United Nation agencies and international
14 NGOs are required to purchase mobile phones from
15 Syriatel, a company owned by Rami Makhlouf, a
16 cousin of Bashar al-Assad who is sanctioned for cor-
17 ruption and whose involvement in human rights
18 abuses in Syria is well documented.

19 (11) The Assad regime has regularly siphoned
20 humanitarian funds for the war effort and bypassed
21 international sanctions through exploiting humani-
22 tarian exemptions.

23 (12) On July 15, 2019, United Nations High
24 Commissioner for Refugees (UNHCR) Middle East
25 Director Amin Awad recognized in an interview with

1 The National that the United Nations has no proce-
2 dure for assessing ownership and partnerships of
3 suppliers it uses for procurement in Syria: “I do not
4 have a mechanism where we comb every single con-
5 tract to see do you have one, 10 or 90 percent con-
6 nection with the regime or not.”.

7 (13) On June 28, 2019, Human Rights Watch
8 published a comprehensive report with the following
9 conclusion: “While seemingly benign, the Syrian gov-
10 ernment’s aid and reconstruction policies are being
11 used to punish perceived opponents and reward its
12 supporters. . . . The Syrian government’s aid
13 framework undermines human rights, and donors
14 need to ensure they are not complicit”.

15 **SEC. 3. STATEMENT OF POLICY.**

16 It is the policy of the United States that—

17 (1) the delivery of assistance funded by the
18 United States through the United Nations must
19 meet reasonable expectations that aid reaches its in-
20 tended recipients;

21 (2) programming provided through the United
22 Nations based on United States funding should be
23 determined according to greatest need, not only
24 greatest access;

1 (3) United States assistance to Syria should not
2 be manipulated for political or financial gain of any
3 party to the conflict, especially those most respon-
4 sible for compounding the suffering of Syrian civil-
5 ians, including the Assad regime, the Russian Fed-
6 eration, the Islamic Republic of Iran, any entities
7 owned or controlled thereof, or non-state actors in-
8 volved in international crimes and human rights
9 abuses;

10 (4) no United States assistance should be given
11 directly or indirectly to the Assad regime in Syria,
12 including through organs or subsidiaries of the
13 United Nations;

14 (5) the United States should support all efforts
15 by the United Nations to establish an independent
16 mechanism to vet procurement contracts in Syrian
17 government-held areas, and such a mechanism
18 must—

19 (A) ensure no contracts are entered into
20 with the Assad regime or its affiliates;

21 (B) develop and implement enhanced
22 human rights due diligence practices, including
23 conducting quarterly human rights impact as-
24 sessments that review how United Nations aid

1 is disbursed and how such aid flows through its
2 suppliers and local partners in Syria; and

3 (C) make certain that the findings of the
4 human rights impact assessments are inte-
5 grated into all levels of United Nations oper-
6 ations, monitor the effectiveness of such assess-
7 ments on such operations, and report how
8 human rights impacts are being addressed and
9 mitigated;

10 (6) the United Nations procurement operations
11 throughout Syria should abide by its own United
12 Nations Supplier Code of Conduct, which states that
13 suppliers to the United Nations must “ensure that
14 they are not complicit in human rights abuses”; and

15 (7) the United States will continue providing
16 humanitarian assistance to Syria while also con-
17 tinuing its efforts to facilitate a negotiated political
18 transition from the Assad regime, in accordance
19 with its commitment in United Nations Security
20 Council Resolution 2254.

21 **SEC. 4. CERTIFICATION.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of State
24 shall certify to the appropriate congressional committees
25 whether United Nations agency programming, including

1 any program or project, in Syria funded in whole or in
2 part by the United States—

3 (1) is delivered impartially, without hindrance,
4 to the areas of greatest need;

5 (2) does not directly materially support the Syr-
6 ian government or entities owned or controlled by
7 the Syrian government, Syrian government officials,
8 their immediate families, or entities under their di-
9 rection;

10 (3) does not directly materially support associ-
11 ated forces of the Syrian government or entities
12 under their direction;

13 (4) adheres to the United Nations Supplier
14 Code of Conduct, which states that the United Na-
15 tions must not support, directly or indirectly, other
16 entities and individuals involved in human rights
17 abuses, and which requires United Nations agencies
18 to secure guarantees from suppliers that “they are
19 not complicit in human rights abuses”; and

20 (5) is vetted by an independent mechanism that
21 reviews contract procurement in Syrian government-
22 held areas, as described in section 3(5).

23 (b) FUNDING LIMITATION AND REDIRECTION.—If
24 the Secretary of State makes a certification described in
25 subsection (a) in the negative—

1 (1) no Federal department or agency may pro-
2 vide any funding, directly or indirectly, to any
3 United Nations agency programming, including any
4 program or project, in Syria that fails to meet the
5 criteria of the certification specified in subsection
6 (a); and

7 (2) amounts made available to the Secretary of
8 State that are withheld from United Nations agency
9 programming, including any program or project, in
10 Syria in accordance with paragraph (1) shall be
11 made available to the Administrator of the United
12 States Agency for International Development's Of-
13 fice of Foreign Disaster Assistance for providing as-
14 sistance to populations in Syria in need.

15 (c) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs and
20 the Committee on Appropriations of the House
21 of Representatives; and

22 (B) the Committee on Foreign Relations
23 and the Committee on Appropriations of the
24 Senate.

1 (2) ASSOCIATED FORCES.—The term “associ-
2 ated forces” includes forces of the Russian govern-
3 ment, the Iranian government, Iranian-backed proxy
4 militias, and Hezbollah.

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