

Calendar No. 166

113TH CONGRESS
1ST SESSION

S. J. RES. 21

To authorize the limited and specified use of the United States Armed Forces against Syria.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2013

Mr. MENENDEZ, from the Committee on Foreign Relations, reported the following original joint resolution; which was read twice and placed on the calendar

JOINT RESOLUTION

To authorize the limited and specified use of the United States Armed Forces against Syria.

Whereas Syria is in material breach of the laws of war by having employed chemical weapons against its civilian population;

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;

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;

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;

Whereas the Arab League has declared with regards to the August 21, 2013, incident to hold the “Syrian regime responsible for this heinous crime”;

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;

Whereas in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 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;

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 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;

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;

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;

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 goals; and

Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This joint resolution may be cited as the “Authoriza-
3 tion for the Use of Military Force Against the Government
4 of Syria to Respond to Use of Chemical Weapons”.

5 **SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES**
6 **ARMED FORCES.**

7 (a) **AUTHORIZATION.**—The President is authorized,
8 subject to subsection (b), to use the Armed Forces of the
9 United States as the President determines to be necessary
10 and appropriate in a limited and specified manner against
11 legitimate military targets in Syria, only to—

12 (1) respond to the use of weapons of mass de-
13 struction by the Government of Syria in the conflict
14 in Syria;

15 (2) deter Syria’s use of such weapons in order
16 to protect the national security interests of the
17 United States and to protect United States allies
18 and partners against the use of such weapons;

19 (3) degrade Syria’s capacity to use such weap-
20 ons in the future; and

21 (4) prevent the transfer to terrorist groups or
22 other state or non-state actors within Syria of any
23 weapons of mass destruction.

24 (b) **REQUIREMENT FOR DETERMINATION THAT USE**
25 **OF MILITARY FORCE IS NECESSARY.**—Before exercising
26 the authority granted in subsection (a), the President shall

1 make available to the Speaker of the House of Representa-
2 tives and the President pro tempore of the Senate the
3 President's determination that—

4 (1) the United States has used all appropriate
5 diplomatic and other peaceful means to prevent the
6 deployment and use of weapons of mass destruction
7 by Syria;

8 (2) the Government of Syria has conducted one
9 or more significant chemical weapons attacks;

10 (3) the use of military force is necessary to re-
11 spond to the use of chemical weapons by the Govern-
12 ment of Syria;

13 (4) it is in the core national security interest of
14 the United States to use such military force;

15 (5) the United States has a military plan to
16 achieve the specific goals of—

17 (A) responding to the use of weapons of
18 mass destruction by the Government of Syria in
19 the conflict in Syria;

20 (B) deterring Syria's use of such weapons
21 in order to protect the national security inter-
22 ests of the United States and to protect United
23 States allies and partners against the use of
24 such weapons;

1 (C) degrading Syria’s capacity to use such
2 weapons in the future; and

3 (D) preventing the transfer to terrorist
4 groups or other state or non-state actors within
5 Syria of any weapons of mass destruction; and

6 (6) the use of military force is consistent with
7 and furthers the goals of the United States strategy
8 toward Syria, including achieving a negotiated polit-
9 ical settlement to the conflict.

10 (c) WAR POWERS RESOLUTION REQUIREMENTS.—

11 (1) SPECIFIC STATUTORY AUTHORIZATION.—

12 Consistent with section 8(a)(1) of the War Powers
13 Resolution (50 U.S.C. 1547(a)(1)), Congress de-
14 clares that this section is intended to constitute spe-
15 cific statutory authorization within the meaning of
16 section 5(b) of the War Powers Resolution (50
17 U.S.C. 1544(b)), within the limits of the authoriza-
18 tion established under this section.

19 (2) APPLICABILITY OF OTHER REQUIRE-

20 MENTS.—Nothing in this resolution supersedes any
21 requirement of the War Powers Resolution (50
22 U.S.C. 1541 et seq.).

1 **SEC. 3. LIMITATION.**

2 The authority granted in section 2(a) does not au-
3 thorize the use of the United States Armed Forces on the
4 ground in Syria for the purpose of combat operations.

5 **SEC. 4. TERMINATION OF THE AUTHORIZATION FOR THE**
6 **USE OF UNITED STATES ARMED FORCES.**

7 The authorization in section 2(a) shall terminate 60
8 days after the date of the enactment of this resolu-
9 tion, except that the President may extend, for a single
10 period of 30 days, such authorization if—

11 (1) the President determines and certifies to
12 Congress, not later than 5 days before the date of
13 termination of the initial authorization, that the ex-
14 tension is necessary to fulfill the purposes of this
15 resolution as defined by section 2(a) due to extraor-
16 dinary circumstances and for ongoing and impend-
17 ing military operations against Syria under section
18 2(a); and

19 (2) Congress does not enact into law, before the
20 extension of authorization, a joint resolution dis-
21 approving the extension of the authorization for the
22 additional 30-day period; provided that any such
23 joint resolution shall be considered under the expe-
24 dited procedures otherwise provided for concurrent
25 resolutions of disapproval contained in section 7 of
26 the War Powers Resolution (50 U.S.C. 1546).

1 **SEC. 5. STATEMENT OF POLICY.**

2 (a) CHANGING OF MOMENTUM ON BATTLEFIELD.—

3 It is the policy of the United States to change the momen-
4 tum on the battlefield in Syria so as to create favorable
5 conditions for a negotiated settlement that ends the con-
6 flict and leads to a democratic government in Syria.

7 (b) DEGRADATION OF ABILITY OF REGIME TO USE

8 WEAPONS OF MASS DESTRUCTION.—A comprehensive
9 United States strategy in Syria should aim, as part of a
10 coordinated international effort, to degrade the capabili-
11 ties of the Assad regime to use weapons of mass destruc-
12 tion while upgrading the lethal and non-lethal military ca-
13 pabilities of vetted elements of Syrian opposition forces,
14 including the Free Syrian Army.

15 **SEC. 6. SYRIA STRATEGY.**

16 (a) IN GENERAL.—Not later than 30 days after the
17 date of the enactment of this resolution, the President
18 shall consult with Congress and submit to the Committee
19 on Foreign Relations of the Senate and the Committee
20 on Foreign Affairs of the House of Representatives an in-
21 tegrated United States Government strategy for achieving
22 a negotiated political settlement to the conflict in Syria,
23 including a comprehensive review of current and planned
24 United States diplomatic, political, economic, and military
25 policy towards Syria.

1 (b) ELEMENTS.—The strategy required under sub-
2 section (a) shall include—

3 (1) the provision of all forms of assistance to
4 the Syrian Supreme Military Council and other Syr-
5 ian entities opposed to the government of Bashar Al-
6 Assad that have been properly and fully vetted and
7 share common values and interests with the United
8 States;

9 (2) the provision of all forms of assistance to
10 the Syrian political opposition, including the Syrian
11 Opposition Coalition;

12 (3) efforts to isolate extremist and terrorist
13 groups in Syria to prevent their influence on the fu-
14 ture transitional and permanent Syrian govern-
15 ments;

16 (4) security coordination with allies and re-
17 gional partners including Israel, Jordan and Turkey;

18 (5) efforts to limit support from the Govern-
19 ment of Iran and others for the Syrian regime;

20 (6) planning for securing existing chemical, bio-
21 logical, and other weapons supplies; and

22 (7) efforts to address the ongoing humanitarian
23 challenges presented by 2,000,000 Syrian refugees
24 in neighboring countries, and 4,500,000 internally

1 displaced persons in Syria, and related humanitarian
2 needs.

3 **SEC. 7. CONGRESSIONAL NOTIFICATION AND REPORTING.**

4 (a) NOTIFICATION AND PROVISION OF INFORMA-
5 TION.—Upon the President’s determination to use the au-
6 thority set forth in section 2, the President shall notify
7 Congress, including the Committee on Foreign Relations
8 of the Senate and the Committee on Foreign Affairs of
9 the House of Representatives, of the use of such authority
10 and shall keep Congress fully and currently informed of
11 the use of such authority.

12 (b) REPORTS.—Not later than 10 days after the initi-
13 ation of military operations under the authority provided
14 by section 2, and every 20 days thereafter until the com-
15 pletion of military operations, the President shall submit
16 to Congress, including the Committee on Foreign Rela-
17 tions of the Senate and the Committee on Foreign Affairs
18 of the House of Representatives, a report on the status
19 of such operations, including progress achieved toward the
20 objectives specified in section 2(a), the financial costs of
21 operations to date, and an assessment of the impact of
22 the operations on the Syrian regime’s chemical weapons
23 capabilities and intentions.

1 SEC. 8. RULE OF CONSTRUCTION.

2 The authority set forth in section 2 shall not con-
3 stitute an authorization for the use of force or a declara-
4 tion of war except to the extent that it authorizes military
5 action under the conditions, for the specific purposes, and
6 for the limited period of time set forth in this resolution.

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