

116TH CONGRESS
1ST SESSION

H. R. 4695

To impose sanctions with respect to Turkey, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2019

Mr. ENGEL (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Reform, Ways and Means, the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions with respect to Turkey, 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 “Protect Against Con-
5 flict by Turkey Act” or the “PACT Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the United States and Turkey have been
9 treaty allies since 1952, when Turkey became a

1 member of the North Atlantic Treaty Organization
2 (NATO);

3 (2) being a NATO member means that Turkey
4 is treaty bound to safeguard the principles of democ-
5 racy, individual liberty, and the rule of law, and im-
6 portantly, should be united with other NATO allies
7 in efforts for collective defense and the preservation
8 of peace and security;

9 (3) Turkey's military invasion of northern Syria
10 on October 9, 2019, is an unacceptable and unneces-
11 sary escalation of tensions with the potential to
12 cause a severe humanitarian crisis and undo the col-
13 lective gains made in the fight against the Islamic
14 State of Iraq and Syria (ISIS) by the United States
15 and the 81 countries and organizations of Global
16 Coalition to Defeat ISIS, including NATO and the
17 European Union (EU);

18 (4) Turkey should immediately cease attacks
19 against the Syrian Democratic Forces, Kurdish and
20 Arab civilians, and other religious and ethnic minor-
21 ity communities in northern Syria and recall its
22 forces back to Turkey;

23 (5) targeted sanctions against Turkey are an
24 appropriate response in order for Turkey to be held

1 accountable for its military invasion of northern
2 Syria;

3 (6) Turkey's military invasion of northern Syria
4 is the latest example of the weakening and problem-
5 atic United States-Turkey bilateral relationship and
6 undermines the security of the United States and its
7 NATO allies, including that of Turkey; and

8 (7) the Syrian Democratic Forces (SDF) have
9 been critical partners to the United States and allied
10 counter-ISIS and broader counterterrorism efforts in
11 Syria.

12 **SEC. 3. SANCTIONS AGAINST SENIOR TURKISH OFFICIALS.**

13 (a) IN GENERAL.—Not later than 15 days after the
14 date of the enactment of this Act, the President shall im-
15 pose the sanctions described in section 11 with respect to
16 the following foreign persons in connection with Turkey's
17 military invasion of northern Syria on October 9, 2019:

18 (1) The Minister of National Defense of Tur-
19 key.

20 (2) The Chief of the General Staff of the Turk-
21 ish Armed Forces.

22 (3) The Commander of the 2nd Army of the
23 Turkish Armed Forces.

24 (4) The Minister of Treasury and Finance of
25 Turkey.

1 (b) ADDITIONAL SANCTIONS.—

2 (1) LIST.—Not later than 30 days after the
3 date of the enactment of this Act, the Secretary of
4 State, in consultation with the Secretary of Defense
5 and the Director of National Intelligence, shall submit to the President and appropriate congressional
6 committees a list of the following foreign persons in
7 connection with Turkey’s military invasion of northern
8 Syria on October 9, 2019:
9

10 (A) Senior Turkish defense officials involved in the decision to invade northern Syria.

12 (B) Senior Turkish military officials leading attacks against the Syrian Democratic
13 Forces, Kurdish and Arab civilians, or other religious or ethnic minority communities in northern
14 Syria.
15

17 (C) Turkish officials significantly facilitating Turkey’s military invasion of northern
18 Syria.
19

20 (D) Any Turkish official or member of the
21 Turkish Armed Forces who is responsible for,
22 complicit in, or has directly or indirectly engaged, or has attempted to engage in any of the
23 following relating to Turkey’s invasion of northern
24 Syria.
25

1 (i) A violation of the law of armed
2 conflict.

3 (ii) A gross violation of internationally
4 recognized human rights.

5 (2) UPDATES.—The list required under para-
6 graph (1) shall be updated every 60 days, until the
7 sanctions under this section are terminated in ac-
8 cordance with section 7.

9 (3) IMPOSITION.—Not later than 15 days after
10 submission of the list required under paragraph (1)
11 and each update relating thereto in accordance with
12 paragraph (2), the President shall impose the sanc-
13 tions described in section 11 with respect to foreign
14 persons identified in such list and related updates.

15 **SEC. 4. PROHIBITION ON ARMS TRANSFERS TO TURKISH**
16 **MILITARY UNITS IN SYRIA.**

17 (a) PROHIBITION.—No United States defense arti-
18 cles, defense services, or technology under the Arms Ex-
19 port Control Act (22 U.S.C. 2751 et seq.) may be trans-
20 ferred to the Government of Turkey if such articles, serv-
21 ices, or technology could be used in operations by the
22 Turkish Armed Forces in northern Syria.

23 (b) EXCEPTION.—The prohibition under subsection
24 (a) shall not apply to transfers for ultimate end use by

1 the United States military or in military operations ap-
2 proved by the North Atlantic Treaty Organization.

3 (c) NO USE OF EMERGENCY AUTHORITY.—The au-
4 thority of the President to waive statutory congressional
5 review periods under the Arms Export Control Act in
6 cases in which an emergency exists shall not apply to the
7 transfer of defense articles, defense services, or technology
8 to the Government of Turkey.

9 **SEC. 5. SANCTIONS AGAINST FOREIGN PERSONS PRO-**
10 **VIDING ARMS TO TURKISH ARMED FORCES**
11 **IN SYRIA.**

12 (a) REPORT.—Not later than 30 days after the date
13 of the enactment of this Act, the Secretary of State, in
14 consultation with the Secretary of Defense and the Direc-
15 tor of National Intelligence, shall submit to the President
16 and appropriate congressional committees a list of any for-
17 eign persons determined to knowingly have provided, on
18 or after such date of enactment, defense articles, defense
19 services, or technology to the Government of Turkey if
20 such articles, services, or technology could be used in oper-
21 ations by the Turkish Armed Forces in northern Syria.
22 Such list shall be updated every 60 days or as new infor-
23 mation becomes available, until the sanctions under this
24 section are terminated in accordance with section 7.

1 (b) SANCTIONS.—The President shall impose the
2 sanctions described in section 11 with respect to any for-
3 eign persons identified on the list and related updates re-
4 quired under subsection (a).

5 (c) EXCEPTION.—The sanctions imposed pursuant to
6 this section shall not apply to transfers for ultimate end
7 use by the United States military or in military operations
8 approved by the North Atlantic Treaty Organization.

9 (d) WAIVER.—

10 (1) IN GENERAL.—The President may waive,
11 on a case-by-case basis and for a period of not more
12 than 90 days, the imposition of sanctions under this
13 section with respect to a foreign person if the Presi-
14 dent determines it is important to the national secu-
15 rity interests of the United States to do so and, not
16 later than 15 days before issuing such a waiver, sub-
17 mits to the appropriate congressional committees a
18 justification relating to such determination.

19 (2) RENEWAL OF WAIVERS.—The President
20 may, on a case-by-case basis, renew a waiver under
21 paragraph (1) for an additional period of not more
22 than 90 days if, not later than 15 days before such
23 a waiver expires, the President determines it is im-
24 portant to the national security interests of the
25 United States to do so and submits to the appro-

1 piate congressional committees a justification relat-
2 ing to such determination.

3 **SEC. 6. TARGETED FINANCIAL SANCTIONS.**

4 (a) HALK BANKASI OR HALKBANK.—Not later than
5 15 days after the date of enactment of this Act, the Presi-
6 dent shall impose the sanctions described in section 11(1)
7 with respect to Halk Bankası or Halkbank or any suc-
8 cessor entity thereof.

9 (b) FINANCIAL INSTITUTIONS.—If the Secretary of
10 State, in consultation with the Secretary of Defense, Sec-
11 retary of Treasury, and Director of National Intelligence,
12 determines that any financial institution, in addition to
13 the financial institutions specified in subsection (a), has
14 knowingly facilitated significant transactions for the Turk-
15 ish Armed Forces or defense industry relating to Turkey's
16 invasion of northern Syria, the President shall, not later
17 than 60 days after any such determination, impose the
18 sanctions described in section 11(1) with respect to any
19 such financial institution.

20 **SEC. 7. TERMINATION AUTHORITY.**

21 (a) SECTIONS 3, 4, AND 5.—The authority to impose
22 sanctions under sections 3 and 5 (and the sanctions im-
23 posed pursuant to such sections) and the prohibitions
24 under section 4 shall terminate if the President determines

1 and submits to the appropriate congressional committees
2 a finding that—

3 (1) Turkey has halted attacks against the Syr-
4 ian Democratic Forces, Kurdish and Arab civilians,
5 and other religious and ethnic minority communities
6 in northern Syria;

7 (2) Turkish forces not involved in coordinated
8 operations with NATO allies or the Global Coalition
9 to Defeat ISIS have withdrawn from northern Syria;
10 and

11 (3) Turkey is not hindering counter-terrorism
12 operations against ISIS.

13 (b) SECTION 6.—The authority to impose financial
14 sanctions under section 6 (and the sanctions imposed pur-
15 suant to such section) shall terminate if the President de-
16 termines and submits to the appropriate congressional
17 committees the finding described in subsection (a)(1).

18 **SEC. 8. IMPOSITION OF CAATSA SECTION 231 SANCTIONS**

19 **AGAINST TURKEY.**

20 (a) DETERMINATION.—For the purposes of section
21 231 of the Countering America’s Adversaries Through
22 Sanctions Act (22 U.S.C. 9525), Turkey’s acquisition of
23 the Russian S–400 air and missile defense system begin-
24 ning July 12, 2019, shall be considered to be a significant
25 transaction described in such section.

1 (b) SANCTIONS.—Not later than 30 days after the
2 date of the enactment of this Act, the President shall im-
3 pose five or more of the sanctions described in section 235
4 of the Countering America’s Adversaries Through Sanc-
5 tions Act (22 U.S.C. 9529) with respect to the Govern-
6 ment of Turkey.

7 **SEC. 9. PLANS AND REPORTS TO ADDRESS NATIONAL SE-**
8 **CURITY THREATS CAUSED BY TURKEY’S IN-**
9 **VASION OF NORTHERN SYRIA.**

10 Not later than 60 days after the date of the enact-
11 ment of this Act—

12 (1) the Secretary of Defense shall submit to the
13 appropriate congressional committees—

14 (A) a plan to ensure that ISIS detainees
15 and families held in Syria remain under proper
16 custody and do not threaten United States se-
17 curity interests; and

18 (B) a report on the impact that the Turk-
19 ish invasion is having on counterterrorism oper-
20 ations in Syria and a plan for how to adapt
21 counter-ISIS operations in light of such im-
22 pacts; and

23 (2) the Secretary of State shall submit to the
24 appropriate congressional committees a plan for how
25 the United States will assist the Syrian Democratic

1 Forces, Kurdish and Arab civilians, and other reli-
2 gious and ethnic minority communities affected by
3 Turkey's invasion of northern Syria.

4 **SEC. 10. REPORT ON NET WORTH OF PRESIDENT RECEP**
5 **TAYYIP ERDOĞAN.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, the Secretary of State, in consultation
8 with the Secretary of the Treasury and the Director of
9 National Intelligence, shall submit to the appropriate con-
10 gressional committees a report on the estimated net worth
11 and known sources of income of Turkish President Recep
12 Tayyip Erdoğan and his family members (including
13 spouse, children, parents, and siblings), including assets,
14 investments, other business interests, and relevant bene-
15 ficial ownership information.

16 **SEC. 11. SANCTIONS DESCRIBED.**

17 The sanctions described in this section are the fol-
18 lowing:

19 (1) **ASSET BLOCKING.**—The President shall ex-
20 ercise all of the powers granted by the International
21 Emergency Economic Powers Act (50 U.S.C. 1701
22 et seq.) (except that the requirements of section 202
23 of such Act (50 U.S.C. 1701) shall not apply) to the
24 extent necessary to block and prohibit all trans-
25 actions in all property and interests in property of

1 a person if such property and interests in property
2 are in the United States, come within the United
3 States, or are or come within the possession or con-
4 trol of a United States person.

5 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
6 SION, OR PAROLE.—

7 (A) VISAS, ADMISSION, OR PAROLE.—A
8 foreign person is—

9 (i) inadmissible to the United States;

10 (ii) ineligible to receive a visa or other
11 documentation to enter the United States;
12 and

13 (iii) otherwise ineligible to be admitted
14 or paroled into the United States or to re-
15 ceive any other benefit under the Immigra-
16 tion and Nationality Act (8 U.S.C. 1101 et
17 seq.).

18 (B) CURRENT VISAS REVOKED.—The visa
19 or other entry documentation of a foreign per-
20 son shall be revoked, regardless of when such
21 visa or other entry documentation is or was
22 issued. A revocation under this subparagraph
23 shall take effect immediately and automatically
24 cancel any other valid visa or entry documenta-
25 tion that is in the foreign person's possession.

1 (C) EXCEPTION TO COMPLY WITH UNITED
2 NATIONS HEADQUARTERS AGREEMENT.—Sanc-
3 tions under this paragraph shall not apply to an
4 individual if admitting such individual into the
5 United States is necessary to permit the United
6 States to comply with the Agreement regarding
7 the Headquarters of the United Nations, signed
8 at Lake Success June 26, 1947, and entered
9 into force November 21, 1947, between the
10 United Nations and the United States, or other
11 applicable international obligations of the
12 United States.

13 **SEC. 12. IMPLEMENTATION.**

14 (a) IN GENERAL.—The President—

15 (1) may exercise all authorities provided to the
16 President under sections 203 and 205 of the Inter-
17 national Emergency Economic Powers Act (50
18 U.S.C. 1702 and 1704) to carry out this Act; and

19 (2) shall issue such regulations, licenses, and
20 orders as are necessary to carry out this Act.

21 (b) PENALTIES.—The penalties provided for in sub-
22 sections (b) and (c) of section 206 of the International
23 Emergency Economic Powers Act (50 U.S.C. 1705) shall
24 apply to any person who violates, attempts to violate, con-
25 spires to violate, or causes a violation of any prohibition

1 of this Act, or an order or regulation prescribed under this
2 Act, to the same extent that such penalties apply to a per-
3 son that commits an unlawful act described in subsection
4 (a) of that section.

5 **SEC. 13. EXCEPTION RELATING TO IMPORTATION OF**
6 **GOODS.**

7 (1) IN GENERAL.—The authorities and require-
8 ments to impose sanctions under this Act or any
9 amendments made by this Act shall not include the
10 authority or requirement to impose sanctions on the
11 importation of goods.

12 (2) GOOD DEFINED.—In this section, the term
13 “good” means any article, natural or man-made sub-
14 stance, material, supply or manufactured product,
15 including inspection and test equipment and exclud-
16 ing technical data.

17 **SEC. 14. HUMANITARIAN WAIVER.**

18 The President may waive the application of any pro-
19 vision of this Act for the purpose of providing humani-
20 tarian assistance if the President certifies to the appro-
21 priate congressional committees that such a waiver is im-
22 portant to address a humanitarian need and consistent
23 with the national security interests of the United States,
24 not later than 15 days before issuing such a waiver, the

1 President submits to such committees a justification relat-
2 ing to such determination.

3 **SEC. 15. DEFINITIONS.**

4 In this Act:

5 (1) ADMISSION; ADMITTED; ALIEN.—The terms
6 “admission”, “admitted”, and “alien” have the
7 meanings given such terms in section 101 of the Im-
8 migration and Nationality Act (8 U.S.C. 1101).

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Foreign Affairs, the
13 Committee on Armed Services, and the Com-
14 mittee on Financial Services of the House of
15 Representatives; and

16 (B) the Committee on Foreign Relations,
17 the Committee on Armed Services, and the
18 Committee on Banking, Housing, and Urban
19 Affairs of the Senate.

20 (3) FOREIGN PERSON.—The term “foreign per-
21 son” means an individual or entity that is not a
22 United States person.

23 (4) GROSS VIOLATIONS OF INTERNATIONALLY
24 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
25 lations of internationally recognized human rights”

1 has the meaning given such term in section
2 502B(d)(1) of the Foreign Assistance Act of 1961
3 (22 U.S.C. 2304(d)(1)).

4 (5) KNOWINGLY.—The term “knowingly” with
5 respect to conduct, a circumstance, or a result,
6 means that a person has actual knowledge, or should
7 have known, of the conduct, the circumstance, or the
8 result.

9 (6) UNITED STATES PERSON.—The term
10 “United States person” means—

11 (A) a United States citizen or an alien law-
12 fully admitted for permanent residence to the
13 United States; or

14 (B) an entity organized under the laws of
15 the United States or any jurisdiction within the
16 United States, including a foreign branch of
17 such an entity.

18 **SEC. 16. SUNSET.**

19 This Act shall terminate on the date that is three
20 years after the date on which sanctions imposed pursuant
21 to this Act have terminated.

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