

116TH CONGRESS  
1ST SESSION

# H. R. 4695

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

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## 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

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## 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 sub-  
6 mit to the President and appropriate congressional  
7 committees a list of the following foreign persons in  
8 connection with Turkey’s military invasion of north-  
9 ern Syria on October 9, 2019:

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

12 (B) Senior Turkish military officials lead-  
13 ing attacks against the Syrian Democratic  
14 Forces, Kurdish and Arab civilians, or other re-  
15 ligious or ethnic minority communities in north-  
16 ern Syria.

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

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 en-  
23 gaged, or has attempted to engage in any of the  
24 following relating to Turkey’s invasion of north-  
25 ern Syria:

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        appropriate 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.—Sanctions  
3                   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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