

Calendar No. 249

116TH CONGRESS
1ST SESSION**S. 2644**

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2019

Mr. GRAHAM (for himself, Mr. VAN HOLLEN, Ms. ERNST, Mr. BLUMENTHAL, Mr. TOOMEY, Mr. COONS, Mrs. BLACKBURN, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. DUCKWORTH, Mr. PORTMAN, Ms. HASSAN, Mr. ROMNEY, Mr. CARPER, Ms. COLLINS, and Ms. SINEMA) introduced the following bill; which was read the first time

OCTOBER 21, 2019

Read the second time and placed on the calendar

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 “Countering Turkish
5 Aggression Act of 2019”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the decision to pull back United States
4 troops along the Turkey-Syria border area has grave
5 consequences for the national security of the United
6 States and allies and partners of the United States;

7 (2) the President of Turkey, Recep Tayyip
8 Erdogan, should immediately cease unilateral mili-
9 tary action in Northeast Syria and respect existing
10 agreements related to Syria;

11 (3) the United States should continue to sup-
12 port the Syrian Kurdish communities, who have
13 been key partners of the United States in the ongo-
14 ing fight the Islamic State of Iraq and Syria; and

15 (4) the President should—

16 (A) call on Turkey to end its offensive op-
17 erations against the Syrian Kurds and return to
18 the framework agreement between the United
19 States and Turkey to establish a safe zone
20 along the Turkish-Syrian border;

21 (B) withdraw the invitation for the Presi-
22 dent of Turkey, Recep Tayyip Erdogan, to trav-
23 el to the United States for meetings at the
24 White House; and

1 (C) seek unity with European and other
2 key partners to condemn Turkey’s military of-
3 fensive in northeastern Syria.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **FINANCIAL INSTITUTION.**—The term “fi-
7 nancial institution” means a financial institution
8 specified in subparagraph (A), (B), (C), (D), (E),
9 (F), (G), (H), (I), (J), (M), or (Y) of section
10 5312(a)(2) of title 31, United States Code.

11 (2) **FOREIGN FINANCIAL INSTITUTION.**—The
12 term “foreign financial institution” has the meaning
13 given that term in regulations prescribed by the Sec-
14 retary of the Treasury.

15 (3) **FOREIGN PERSON.**—The term “foreign per-
16 son” means an individual or entity that is not a
17 United States person.

18 (4) **KNOWINGLY.**—The term “knowingly”, with
19 respect to conduct, a circumstance, or a result,
20 means that a person has actual knowledge, or should
21 have known, of the conduct, the circumstance, or the
22 result.

23 (5) **UNITED STATES PERSON.**—The term
24 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or any jurisdiction within the
6 United States, including a foreign branch of
7 such an entity.

8 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO TUR-**
9 **KEY.**

10 (a) IN GENERAL.—On and after the date of the en-
11 actment of this Act, the President shall—

12 (1) impose the sanctions described in subsection

13 (c) with respect to—

14 (A) each official of the Government of Tur-
15 key described in subsection (b);

16 (B) any foreign person that the President
17 determines knowingly sells or provides financial,
18 material, or technological support to, or know-
19 ingly conducts a transaction with, the Turkish
20 Armed Forces, including—

21 (i) aircraft or aircraft parts or ma-
22 chinery used by the Turkish Air Force;

23 (ii) automotive equipment and services
24 used by the Turkish Land and Naval
25 Forces; and

1 (iii) defense articles, services, tech-
2 nology, or materials used by the Turkish
3 Armed Forces; or

4 (C) any foreign person that the President
5 determines knowingly supplies goods, services,
6 technology, information, or other support that
7 maintains or supports the production of crude
8 oil, natural gas, or refined petroleum or natural
9 gas products, in Turkey for use by the Turkish
10 Armed Forces; and

11 (2) prohibit any United States person from en-
12 gaging in any transaction with a person described in
13 paragraph (1).

14 (b) OFFICIALS DESCRIBED.—An official of the Gov-
15 ernment of Turkey described in this subsection is any of
16 the following:

17 (1) The President of Turkey.

18 (2) The Vice President of Turkey.

19 (3) The Minister of National Defense of Tur-
20 key.

21 (4) The Minister of Foreign Affairs of Turkey.

22 (5) The Minister of Treasury and Finance of
23 Turkey.

24 (6) The Minister of Trade of Turkey.

1 (7) The Minister of Energy and Natural Re-
2 sources of Turkey.

3 (8) The Chief of the National Intelligence Orga-
4 nization of Turkey.

5 (c) SANCTIONS DESCRIBED.—The sanctions de-
6 scribed in this subsection are the blocking and prohibiting,
7 pursuant to the International Emergency Economic Pow-
8 ers Act (50 U.S.C. 1701 et seq.), of all transactions in
9 property and interests in property of a person subject to
10 subsection (a) if such property and interests in property
11 are in the United States, come within the United States,
12 or come within the possession or control of a United
13 States person.

14 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO FI-**
15 **NANCIAL INSTITUTIONS THAT FACILITATE**
16 **TRANSACTIONS FOR TURKISH ARMED**
17 **FORCES.**

18 (a) IN GENERAL.—On and after the date of the en-
19 actment of this Act, the President shall—

20 (1) impose the sanctions described in section
21 4(c) with respect to Turkiye Halk Bankasi AS or
22 any successor entity; and

23 (2) prohibit any United States person from en-
24 gaging in any transaction with Turkiye Halk
25 Bankasi AS or any successor entity.

1 (b) ADDITION FINANCIAL INSTITUTIONS.—If the
2 Secretary of the Treasury, in consultation with the Sec-
3 retary of State, the Secretary of Defense, and the Director
4 of National Intelligence, determines that any foreign fi-
5 nancial institution (other than a financial institution spec-
6 ified in subsection (a)), has knowingly facilitated trans-
7 actions for Turkish Armed Forces or defense industry in
8 Turkey relating to the military operations of Turkey in
9 Syria, the President shall, not later than 60 days after
10 that determination—

11 (1) impose the sanctions described in section
12 4(c) with respect to that financial institution; and

13 (2) prohibit any United States person from en-
14 gaging in any transaction with that financial institu-
15 tion.

16 **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO EN-**
17 **ERGY PRODUCTION IN SYRIA.**

18 On and after the date of the enactment of this Act,
19 the President shall—

20 (1) impose the sanctions described in section
21 4(c) with respect to any foreign person that know-
22 ingly sells or provides significant goods, services,
23 technology, information, or other support that sig-
24 nificantly facilitates the maintenance or expansion of
25 the production of natural gas, petroleum, or petro-

1 leum products in Syria for use by the Russian Fed-
2 eration, Iran, Turkey, or the Government of Syria;
3 and

4 (2) prohibit any United States person from en-
5 gaging in any transaction with a person described in
6 paragraph (1).

7 **SEC. 7. IMPOSITION OF CAATSA SECTION 231 SANCTIONS**
8 **AGAINST TURKEY.**

9 (a) DETERMINATION.—For the purposes of section
10 231 of the Countering America’s Adversaries Through
11 Sanctions Act (22 U.S.C. 9525), Turkey’s acquisition of
12 the Russian S–400 air and missile defense system begin-
13 ning July 12, 2019, shall be considered to be a significant
14 transaction described in such section.

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

21 **SEC. 8. PROHIBITION ON UNITED STATES MILITARY AS-**
22 **SISTANCE.**

23 (a) PROHIBITION.—No funds may be obligated or ex-
24 pended to sell or transfer any United States defense arti-

1 cles, services, technology, or materials or ammunition to
2 the Turkish Armed Forces.

3 (b) NO USE OF EMERGENCY AUTHORITIES.—The
4 authority of the President to waive statutory congressional
5 review periods under the Arms Export Control Act (22
6 U.S.C. 2751 et seq.) in cases in which an emergency exists
7 shall not apply to the transfer of defense articles or serv-
8 ices to Turkey.

9 **SEC. 9. PROHIBITION ON PURCHASES OF TURKISH SOV-**
10 **EREIGN DEBT BY UNITED STATES PERSONS.**

11 The President shall prescribe regulations prohibiting
12 any United States person from purchasing sovereign debt
13 of the Government of Turkey.

14 **SEC. 10. VISA RESTRICTIONS ON CERTAIN OFFICIALS OF**
15 **THE GOVERNMENT OF TURKEY.**

16 (a) IN GENERAL.—The Secretary of State may not
17 issue a visa to, and the Secretary of Homeland Security
18 shall exclude from the United States, an official of the
19 Government of Turkey described in section 4(b).

20 (b) EXCEPTION TO COMPLY WITH INTERNATIONAL
21 OBLIGATIONS.—Subsection (a) shall not apply to the ad-
22 mission of an official described in section 4(b) if the ad-
23 mission of that official is necessary to comply with United
24 States obligations under the Agreement between the
25 United Nations and the United States of America regard-

1 ing the Headquarters of the United Nations, signed at
2 Lake Success June 26, 1947, and entered into force No-
3 vember 21, 1947, under the Convention on Consular Rela-
4 tions, done at Vienna April 24, 1963, and entered into
5 force March 19, 1967, or under other international agree-
6 ments.

7 **SEC. 11. REPORT ON NET WORTH OF RECEP TAYYIP**
8 **ERDOGAN.**

9 (a) IN GENERAL.—Not later than 60 days after the
10 date of the enactment of this Act, the President shall sub-
11 mit to Congress a report on the estimated net worth,
12 known sources of income, and assets of the President of
13 Turkey, Recep Tayyip Erdogan and his family members
14 (including spouses, children, and siblings), including as-
15 sets, investments, other business interests, and relevant
16 beneficial ownership information.

17 (b) FORM OF REPORT.—The report required by sub-
18 section (a) shall be submitted in unclassified form but may
19 include a classified annex.

20 **SEC. 12. REPORT ON STRATEGY TO DEFEAT THE ISLAMIC**
21 **STATE OF IRAQ AND SYRIA.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) The Syrian Democratic Forces (in this sec-
25 tion referred to as the “SDF”) have been the closest

1 and most effective partner of the United States in
2 the fight against the Islamic State of Iraq and Syria
3 (in this section referred to as “ISIS”) in Syria.

4 (2) In a June 30, 2019, report of the lead in-
5 spector general to Congress on Operation Inherent
6 Resolve, the Inspectors General of the Department
7 of Defense, the Department of State, and the United
8 States Agency for International Development re-
9 ported that “ISIS remains a threat in Iraq and
10 Syria” and that “[d]espite losing its territorial ‘ca-
11 liphate,’ the Islamic State in Iraq and Syria solidi-
12 fied its insurgent capabilities in Iraq and was re-
13 surging in Syria this quarter”. The report estimated
14 that ISIS has approximately 14,000 to 18,000
15 “members” in Iraq and Syria, including up to 3,000
16 foreigners.

17 (3) That report also indicated that conditions
18 at the Al Hol camp in Syria provided “uncontested
19 conditions to spread . . . ISIS ideology”. ISIS lead-
20 er Abu Bakr al-Baghdadi has called on supporters
21 to break fighters out of Al Hol and other detention
22 facilities.

23 (4) General Joseph Votel, who served as the
24 Commander of the United States Central Command
25 from March 2016 to March 2019 and oversaw mili-

1 tary operations in Iraq and Syria, has called the alli-
2 ance between the United States and Kurdish forces
3 in northeastern Syria “one of our most successful
4 partnerships” and called the Kurdish People’s Pro-
5 tection Units “the backbone of the fighting force
6 against ISIS in Syria”.

7 (5) General Votel has also said, “A possible in-
8 vasion from Turkey against the Kurdish elements of
9 the SDF, coupled with a hasty U.S. departure, now
10 threaten to rapidly destabilize an already fragile se-
11 curity situation in Syria’s northeast.”.

12 (6) The sudden withdrawal of United States
13 forces made way for Turkish offensive operations
14 against the SDF. That withdrawal has serious con-
15 sequences for United States security, including al-
16 lowing allies and potential allies in counterterrorism
17 efforts to question the resolve and commitment of
18 the United States to its operations and allowing for
19 the continued resurgence of ISIS in the region as
20 SDF forces defend themselves against the Turkish
21 offensive.

22 (b) REPORT REQUIRED.—Not later than 30 days
23 after the date of the enactment of this Act, the President
24 shall submit to Congress a report on the strategy to
25 counter the ISIS resurgence and stabilize the region, in-

1 cluding ensuring the secure detention of captured ISIS
2 fighters and stopping recruitment efforts in refugee
3 camps.

4 (c) FORM OF REPORT.—The report required by sub-
5 section (b) shall be submitted in unclassified form but may
6 include a classified annex.

7 **SEC. 13. REPORT ON UNITED STATES PERSONNEL IN TUR-**

8 **KEY.**

9 (a) IN GENERAL.—Not later than 30 days after the
10 date of the enactment of this Act, the President shall sub-
11 mit to Congress an interagency report assessing viable al-
12 ternative military installations or other locations to host
13 personnel and assets of the United States Armed Forces
14 currently stationed at Incirlik Air Base in Turkey.

15 (b) FORM OF REPORT.—The report required by sub-
16 section (a) shall be submitted in unclassified form but may
17 include a classified annex.

18 **SEC. 14. EXCEPTIONS.**

19 (a) SUPPORT FOR PEOPLE OF TURKEY.—This Act
20 shall not apply with respect to—

21 (1) the provision of humanitarian assistance
22 (including medical assistance) to the people of Tur-
23 key; or

24 (2) efforts to promote democracy in Turkey, in-
25 cluding through providing election assistance.

1 (b) INTELLIGENCE ACTIVITIES.—

2 (1) IN GENERAL.—This Act shall not apply
3 with respect to activities subject to the reporting re-
4 quirements under title V of the National Security
5 Act of 1947 (50 U.S.C. 3091 et seq.), or any au-
6 thorized intelligence activities of the United States.

7 (2) REQUIREMENT.—Activities carried out
8 under the exception under paragraph (1) may not be
9 carried out in a manner that provides the Govern-
10 ment of Turkey with targeting data regarding the
11 location or disposition of Syrian Democratic Forces.

12 (c) EXCEPTION RELATING TO IMPORTATION OF
13 GOODS.—

14 (1) IN GENERAL.—The authorities and require-
15 ments to impose sanctions authorized under this Act
16 shall not include the authority or requirement to im-
17 pose sanctions on the importation of goods.

18 (2) GOOD DEFINED.—In this subsection, the
19 term “good” means any article, natural or manmade
20 substance, material, supply or manufactured prod-
21 uct, including inspection and test equipment, and ex-
22 cluding technical data.

23 **SEC. 15. IMPLEMENTATION; PENALTIES.**

24 (a) IMPLEMENTATION.—The President may exercise
25 all authorities provided to the President under sections

1 203 and 205 of the International Emergency Economic
2 Powers Act (50 U.S.C. 1702 and 1704) to carry out this
3 Act.

4 (b) PENALTIES.—A person that violates, attempts to
5 violate, conspires to violate, or causes a violation of this
6 Act or any regulation, license, or order issued to carry out
7 this Act shall be subject to the penalties set forth in sub-
8 sections (b) and (c) of section 206 of the International
9 Emergency Economic Powers Act (50 U.S.C. 1705) to the
10 same extent as a person that commits an unlawful act de-
11 scribed in subsection (a) of that section.

12 **SEC. 16. TERMINATION AUTHORITY.**

13 (a) IN GENERAL.—The President may terminate the
14 application of sanctions, prohibitions, restrictions, and
15 penalties under this Act if the President certifies to the
16 appropriate congressional committees that—

17 (1) Turkey, and Syrian opposition groups sup-
18 ported by Turkey, have halted attacks against the
19 Syrian Kurdish community and other communities
20 affected by Turkish military operations;

21 (2) Turkish forces, and Syrian opposition
22 groups supported by Turkey, not involved in coordi-
23 nated operations with members of the North Atlan-
24 tic Treaty Organization or the Global Coalition to
25 Defeat ISIS have withdrawn from all locations in

1 Syria that Turkey did not occupy before October 09,
2 2019; and

3 (3) Turkey, and Syrian opposition groups sup-
4 ported by Turkey, are not hindering counterter-
5 rorism operations against ISIS.

6 (b) REIMPOSITION.—If Turkey violates paragraph
7 (1), (2), or (3) of subsection (a) after the submission of
8 a certification described in subsection (a), the President
9 shall reimpose sanctions, prohibitions, restrictions, and
10 penalties as described in this Act.

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A BILL

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