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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect Against Conflict by Turkey Act” or the “PACT Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States and Turkey have been treaty allies since 1952, when Turkey became a
member of the North Atlantic Treaty Organization (NATO);

(2) being a NATO member means that Turkey is treaty bound to safeguard the principles of democracy, individual liberty, and the rule of law, and importantly, should be united with other NATO allies in efforts for collective defense and the preservation of peace and security;

(3) Turkey’s military invasion of northern Syria on October 9, 2019, is an unacceptable and unnecessary escalation of tensions with the potential to cause a severe humanitarian crisis and undo the collective gains made in the fight against the Islamic State of Iraq and Syria (ISIS) by the United States and the 81 countries and organizations of Global Coalition to Defeat ISIS, including NATO and the European Union (EU);

(4) Turkey should immediately cease attacks against the Syrian Democratic Forces, Kurdish and Arab civilians, and other religious and ethnic minority communities in northern Syria and recall its forces back to Turkey;

(5) targeted sanctions against Turkey are an appropriate response in order for Turkey to be held
accountable for its military invasion of northern Syria;

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

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

SEC. 3. SANCTIONS AGAINST SENIOR TURKISH OFFICIALS.

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

(1) The Minister of National Defense of Turkey.

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

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

(4) The Minister of Treasury and Finance of Turkey.
(b) ADDITIONAL SANCTIONS.—

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

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

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

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

(D) Any Turkish official or member of the Turkish Armed Forces who is responsible for, complicit in, or has directly or indirectly engaged, or has attempted to engage in any of the following relating to Turkey’s invasion of northern Syria:
(i) A violation of the law of armed conflict.

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

(2) Updates.—The list required under paragraph (1) shall be updated every 60 days, until the sanctions under this section are terminated in accordance with section 7.

(3) Imposition.—Not later than 15 days after submission of the list required under paragraph (1) and each update relating thereto in accordance with paragraph (2), the President shall impose the sanctions described in section 11 with respect to foreign persons identified in such list and related updates.

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

(a) Prohibition.—No United States defense articles, defense services, or technology under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may be transferred to the Government of Turkey if such articles, services, or technology could be used in operations by the Turkish Armed Forces in northern Syria.

(b) Exception.—The prohibition under subsection (a) shall not apply to transfers for ultimate end use by
the United States military or in military operations approved by the North Atlantic Treaty Organization.

(c) No Use of Emergency Authority.—The authority of the President to waive statutory congressional review periods under the Arms Export Control Act in cases in which an emergency exists shall not apply to the transfer of defense articles, defense services, or technology to the Government of Turkey.

SEC. 5. SANCTIONS AGAINST FOREIGN PERSONS PROVIDING ARMS TO TURKISH ARMED FORCES IN SYRIA.

(a) Report.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the President and appropriate congressional committees a list of any foreign persons determined to knowingly have provided, on or after such date of enactment, defense articles, defense services, or technology to the Government of Turkey if such articles, services, or technology could be used in operations by the Turkish Armed Forces in northern Syria. Such list shall be updated every 60 days or as new information becomes available, until the sanctions under this section are terminated in accordance with section 7.
(b) SANCTIONS.—The President shall impose the sanctions described in section 11 with respect to any foreign persons identified on the list and related updates required under subsection (a).

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

(d) WAIVER.—

(1) IN GENERAL.—The President may waive, on a case-by-case basis and for a period of not more than 90 days, the imposition of sanctions under this section with respect to a foreign person if the President determines it is important to the national security interests of the United States to do so and, not later than 15 days before issuing such a waiver, submits to the appropriate congressional committees a justification relating to such determination.

(2) RENEWAL OF WAIVERS.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for an additional period of not more than 90 days if, not later than 15 days before such a waiver expires, the President determines it is important to the national security interests of the United States to do so and submits to the appro-
priate congressional committees a justification relating to such determination.

SEC. 6. TARGETED FINANCIAL SANCTIONS.

(a) HALK BANKASI OR HALKBANK.—Not later than 15 days after the date of enactment of this Act, the President shall impose the sanctions described in section 11(1) with respect to Halk Bankası or Halkbank or any successor entity thereof.

(b) FINANCIAL INSTITUTIONS.—If the Secretary of State, in consultation with the Secretary of Defense, Secretary of Treasury, and Director of National Intelligence, determines that any financial institution, in addition to the financial institutions specified in subsection (a), has knowingly facilitated significant transactions for the Turkish Armed Forces or defense industry relating to Turkey’s invasion of northern Syria, the President shall, not later than 60 days after any such determination, impose the sanctions described in section 11(1) with respect to any such financial institution.

SEC. 7. TERMINATION AUTHORITY.

(a) SECTIONS 3, 4, AND 5.—The authority to impose sanctions under sections 3 and 5 (and the sanctions imposed pursuant to such sections) and the prohibitions under section 4 shall terminate if the President determines
and submits to the appropriate congressional committees a finding that—

(1) Turkey has halted attacks against the Syrian Democratic Forces, Kurdish and Arab civilians, and other religious and ethnic minority communities in northern Syria;

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

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

(b) Section 6.—The authority to impose financial sanctions under section 6 (and the sanctions imposed pursuant to such section) shall terminate if the President determines and submits to the appropriate congressional committees the finding described in subsection (a)(1).

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

(a) Determination.—For the purposes of section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525), Turkey’s acquisition of the Russian S–400 air and missile defense system beginning July 12, 2019, shall be considered to be a significant transaction described in such section.
(b) Sanctions.—Not later than 30 days after the date of the enactment of this Act, the President shall impose five or more of the sanctions described in section 235 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9529) with respect to the Government of Turkey.

Sec. 9. Plans and Reports to Address National Security Threats Caused by Turkey’s Invasion of Northern Syria.

Not later than 60 days after the date of the enactment of this Act—

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

(A) a plan to ensure that ISIS detainees and families held in Syria remain under proper custody and do not threaten United States security interests; and

(B) a report on the impact that the Turkish invasion is having on counterterrorism operations in Syria and a plan for how to adapt counter-ISIS operations in light of such impacts; and

(2) the Secretary of State shall submit to the appropriate congressional committees a plan for how the United States will assist the Syrian Democratic
Forces, Kurdish and Arab civilians, and other religious and ethnic minority communities affected by Turkey’s invasion of northern Syria.

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

Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the estimated net worth and known sources of income of Turkish President Recep Tayyip Erdoğan and his family members (including spouse, children, parents, and siblings), including assets, investments, other business interests, and relevant beneficial ownership information.

SEC. 11. SANCTIONS DESCRIBED.

The sanctions described in this section are the following:

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of
a person if such property and interests in property
are in the United States, come within the United
States, or are or come within the possession or con-
trol of a United States person.

(2) Aliens inadmissible for visas, admis-
sion, or parole.—

(A) Visas, admission, or parole.—A
foreign person is—

(i) inadmissible to the United States;
(ii) ineligible to receive a visa or other
documentation to enter the United States;
and
(iii) otherwise ineligible to be admitted
or paroled into the United States or to re-
ceive any other benefit under the Immigra-
tion and Nationality Act (8 U.S.C. 1101 et
seq.).

(B) Current visas revoked.—The visa
or other entry documentation of a foreign per-
son shall be revoked, regardless of when such
visa or other entry documentation is or was
issued. A revocation under this subparagraph
shall take effect immediately and automatically
cancel any other valid visa or entry documenta-
tion that is in the foreign person’s possession.
(C) Exception to comply with United Nations headquarters agreement.—Sanctions under this paragraph shall not apply to an individual if admitting such individual into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

SEC. 12. IMPLEMENTATION.

(a) In general.—The President—

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

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

(b) Penalties.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to any person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition
of this Act, or an order or regulation prescribed under this Act, to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of that section.

SEC. 13. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this Act or any amendments made by this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this section, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment and excluding technical data.

SEC. 14. HUMANITARIAN WAIVER.

The President may waive the application of any provision of this Act for the purpose of providing humanitarian assistance if the President certifies to the appropriate congressional committees that such a waiver is important to address a humanitarian need and consistent with the national security interests of the United States, not later than 15 days before issuing such a waiver, the
President submits to such committees a justification relating to such determination.

SEC. 15. DEFINITIONS.

In this Act:

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives; and

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

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

(4) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term “gross violations of internationally recognized human rights”
has the meaning given such term in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

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

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

SEC. 16. SUNSET.

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