

113TH CONGRESS
2D SESSION

H. R. 5747

To authorize the direct provision of defense articles, defense services, and related training to the Kurdistan Regional Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2014

Mr. ROYCE (for himself, Mr. ENGEL, Mr. ROHRBACHER, Mr. DEUTCH, Ms. ROS-LEHTINEN, Ms. GABBARD, Mr. MCCAUL, Mr. CONNOLLY, Mr. KINZINGER of Illinois, Mr. VARGAS, Mr. POE of Texas, Ms. MENG, Mr. FRANKS of Arizona, Mr. VAN HOLLEN, Mr. HOLDING, Mr. TURNER, Mr. CHABOT, Mr. DESANTIS, Mr. COOK, Mr. CLAWSON of Florida, Mr. DIAZ-BALART, Mr. DUNCAN of South Carolina, Mr. SHERMAN, Mr. FORTENBERRY, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize the direct provision of defense articles, defense services, and related training to the Kurdistan Regional Government, 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. FINDINGS.**

4 Congress finds the following:

5 (1) Since 2011, the terrorist group now known
6 as the Islamic State in Iraq and the Levant (ISIL),

1 has rapidly expanded, now possessing greater fund-
2 ing, more personnel, and heavier weapons than any
3 other terrorist force.

4 (2) ISIL has threatened to continue attacking
5 United States persons and interests and has an
6 apocalyptic vision for a larger confrontation with the
7 United States and its allies in the Middle East.

8 (3) According to the United States intelligence
9 community, approximately 20,000 to 30,000 ISIL
10 fighters operate in Iraq and Syria, an estimated
11 3,000 of which are believed to have western pass-
12 ports.

13 (4) ISIL finances itself through looting, smug-
14 gling, taxes, oil sales, kidnapping, and human traf-
15 ficking.

16 (5) According to United States officials, ISIL
17 captured approximately 1,500 Humvees, a number
18 of other modern armored vehicles and transport
19 trucks, over 50 long-range Global Positioning Sys-
20 tem (GPS)-guided artillery pieces, a substantial
21 number of artillery shells, a large quantity of small
22 arms, approximately 4,000 heavy machine guns, and
23 other weapons from the Iraqi Security Forces in
24 June 2014, and has also reportedly captured a num-

1 ber of other weapons and vehicles from Bashar al-
2 Assad's forces in Syria.

3 (6) The rapidly deteriorating humanitarian sit-
4 uation in Iraq caused by ISIL advances in Iraq and
5 Syria has resulted in approximately 1,500,000 refu-
6 gees and internally displaced people from Syria and
7 Iraq taking refuge in the Iraqi Kurdistan region.
8 The Kurdistan Regional Government is facing a hu-
9 manitarian and budget crisis while defending itself
10 from ISIL.

11 (7) The Kurdistan Regional Government
12 (KRG) is the democratically elected government of
13 the Kurdistan Region in Iraq, and Iraqi Kurds have
14 been a reliable and stable partner of the United
15 States.

16 (8) The Iraqi constitution guarantees the right
17 of Iraqi regions, such as Iraqi Kurdistan, to main-
18 tain "internal security forces for the region such as
19 police, security forces, and guards of the region".

20 (9) The Kurdish Peshmerga forces are officially
21 organized under the Ministry of Peshmerga Affairs
22 and commanded by the Minister of Peshmerga, who
23 reports to the President of the Kurdistan Regional
24 Government.

1 (10) ISIL has positioned its forces along a 650-
2 mile border with the Kurdistan Regional Govern-
3 ment's Peshmerga forces.

4 (11) ISIL has employed captured armored vehi-
5 cles, long-range artillery, and heavy weapons in at-
6 tacking thinly stretched Kurdish forces along the
7 border.

8 (12) United States airstrikes against ISIL tar-
9 gets have helped stall the terrorist organization's ad-
10 vance on territory held by Kurdish forces, but have
11 not proven to be militarily decisive against ISIL.

12 (13) The United States and its allies have pro-
13 vided the resupply of various small arms and train-
14 ing to Peshmerga forces since June 2014.

15 (14) Such resupply efforts, to comply with
16 United States law, must be approved and coordi-
17 nated through the Government of Iraq. In the initial
18 phase of the resupply effort, the Government of Iraq
19 constrained and delayed the emergency supply of
20 weapons to the Kurdistan Regional Government.

21 (15) The Peshmerga forces lack battle-ready ar-
22 mored vehicles and the ability to take significant of-
23 fensive action against ISIL forces, leading to re-
24 quests for such assistance.

1 (16) Armored vehicles, anti-armor weapons,
2 long-range artillery, and other weapons are con-
3 sistent with the Kurdistan Regional Government’s
4 constitutional right to defend itself against the clear
5 and present danger posed by ISIL.

6 (17) A strong Peshmerga force is essential to
7 countering the ISIL threat to Iraq, the region, and
8 United States interests.

9 (18) The longer ISIL’s sanctuary remains
10 largely unchallenged, the more time it will have to
11 reinforce its positions, and plan attacks against
12 United States interests.

13 **SEC. 2. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) defeating the Islamic State in Iraq and the
16 Levant (ISIL) is critical to maintaining a unified
17 Iraq in which all faiths and ethnicities are afforded
18 equal protection and full integration into the Iraqi
19 government and society;

20 (2) the people of Kurdistan face an urgent and
21 deadly threat from ISIL which the Iraqi Security
22 Forces, of which the Peshmerga are a component,
23 are currently unable to match in armaments;

24 (3) any outstanding issues between the Govern-
25 ment of Iraq and the Kurdistan Regional Govern-

1 ment should be resolved by the two parties expedi-
2 tiously to allow for a resumption of normal relations;
3 and

4 (4) ISIL's recent advances and continued
5 growth present an imminent threat to Iraqi
6 Kurdistan, the rest of Iraq and the Middle East,
7 and international security.

8 **SEC. 3. STATEMENT OF POLICY.**

9 It shall be the policy of the United States to directly
10 provide the Kurdistan Regional Government with ad-
11 vanced conventional weapons, training, and defense serv-
12 ices, on an emergency and temporary basis, to more effec-
13 tively partner with the United States and other inter-
14 national coalition members to defeat the Islamic State in
15 Iraq and the Levant (ISIL).

16 **SEC. 4. TEMPORARY EMERGENCY AUTHORIZATION OF DE-**
17 **ENSE ARTICLES, DEFENSE SERVICES, AND**
18 **RELATED TRAINING DIRECTLY TO THE**
19 **KURDISTAN REGIONAL GOVERNMENT.**

20 (a) IN GENERAL.—The President should consult with
21 the Government of Iraq in carrying out the authority pro-
22 vided in subsection (b).

23 (b) AUTHORIZATION.—

24 (1) MILITARY ASSISTANCE.—The President is
25 authorized to provide defense articles, defense serv-

1 ices, and related training directly to the Kurdistan
2 Regional Government for the purpose of supporting
3 international coalition efforts against the Islamic
4 State in Iraq and the Levant (ISIL) or any suc-
5 cessor group.

6 (2) DEFENSE EXPORTS.—The President is au-
7 thORIZED to issue licenses authorizing United States
8 exporters to export defense articles, defense services,
9 and related training directly to the Kurdistan Re-
10 gional Government. For purposes of processing ap-
11 plications for such export licenses, the President is
12 authorized to accept End Use Certificates approved
13 by the Kurdistan Regional Government.

14 (3) TYPES OF ASSISTANCE.—Assistance author-
15 ized under paragraph (1) and exports authorized
16 under paragraph (2) may include anti-tank and anti-
17 armor weapons, armored vehicles, long-range artil-
18 lery, crew-served weapons and ammunition, secure
19 command and communications equipment, body
20 armor, helmets, logistics equipment, excess defense
21 articles and other military assistance that the Presi-
22 dent determines to be appropriate.

23 (c) RELATIONSHIP TO EXISTING AUTHORITIES; CON-
24 DITIONS OF ELIGIBILITY.—

1 (1) RELATIONSHIP TO EXISTING AUTHORI-
2 TIES.—Assistance authorized under subsection
3 (b)(1) and licenses for exports authorized under sub-
4 section (b)(2) shall be provided pursuant to the ap-
5 plicable provisions of the Arms Export Control Act
6 (22 U.S.C. 2751 et seq.) and the Foreign Assistance
7 Act of 1961 (22 U.S.C. 2151 et seq.), notwith-
8 standing any requirement in such applicable provi-
9 sions of law that a recipient of assistance of the type
10 authorized under subsection (b)(1) shall be a coun-
11 try or international organization.

12 (2) CONDITIONS OF ELIGIBILITY.—In addition
13 to such other provisions as the President may re-
14 quire, no defense article, defense service, or related
15 training may be provided to the Kurdistan Regional
16 Government under the authority of subsection (b)(1)
17 or (b)(2) unless the Kurdistan Regional Government
18 agrees that—

19 (A) it will not provide any such defense ar-
20 ticle, defense service, or related training to any-
21 one who is not an officer, employee, or agent of
22 the Kurdistan Regional Government, and

23 (B) it will not use or permit the use of any
24 such defense article, defense service, or related

1 training for purposes other than the purposes
2 for which it was provided,
3 unless the consent of the President has first been
4 obtained.

5 (d) REPORT.—

6 (1) IN GENERAL.—Not later than 60 days after
7 the date of the enactment of this Act, the President
8 shall submit to the appropriate congressional com-
9 mittees a report on the following:

10 (A) The anticipated defense articles, de-
11 fense services, and related training to be pro-
12 vided under the authority of subsections (b)(1)
13 and (b)(2).

14 (B) A timeline for the provision of such de-
15 fense articles, defense services, and related
16 training.

17 (C) A description of mechanisms and pro-
18 cedures for end-use monitoring of such defense
19 articles, defense services, and related training.

20 (D) How such defense articles, defense
21 services, and related training would contribute
22 to the foreign policy and national security of
23 the United States, as well as impact security in
24 the region.

1 (2) DEFINITION.—In this subsection, the term
2 “appropriate congressional committees” means—

3 (A) the Committee on Foreign Affairs, the
4 Committee on Appropriations, and the Com-
5 mittee on Armed Services of the House of Rep-
6 resentatives; and

7 (B) the Committee on Foreign Relations,
8 the Committee on Appropriations, and the
9 Committee on Armed Services of the Senate.

10 (e) NOTIFICATION.—The President should provide
11 notification to the Government of Iraq prior to defense
12 articles, defense services, or related training being pro-
13 vided to the Kurdistan Regional Government under the
14 authority of subsection (b)(1) or (b)(2).

15 (f) DEFINITIONS.—In this section, the terms “de-
16 fense article”, “defense service”, and “training” have the
17 meanings given those terms in section 47 of the Arms Ex-
18 port Control Act (22 U.S.C. 2794).

19 (g) TERMINATION.—The authority to provide defense
20 articles, defense services, and related training under sub-
21 section (b)(1) and the authority to issue licenses for ex-
22 ports authorized under subsection (b)(2) shall terminate
23 on the date that is 3 years after the date of the enactment
24 of this Act.

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