

114TH CONGRESS
1ST SESSION

S. 1188

To provide for a temporary, emergency authorization of defense articles, defense services, and related training directly to the Kurdistan Regional Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2015

Mrs. ERNST (for herself, Mrs. BOXER, Mr. GRAHAM, Mr. JOHNSON, Mr. PAUL, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for a temporary, emergency authorization of defense articles, defense services, and related training directly 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 makes the following findings:

5 (1) The terrorist organization known as the Is-
6 lamic State of Iraq and the Levant (ISIL) poses a
7 grave threat to the people and territorial integrity of
8 Iraq and Syria, as well as regional stability, and to

1 the national security interests of the United States
2 and its allies and partners.

3 (2) The Islamic State of Iraq and the Levant
4 holds significant territory in Iraq and Syria, has
5 stated its intention to seize more territory, and has
6 demonstrated the capability to do so.

7 (3) Leaders of the Islamic State of Iraq and the
8 Levant have stated that they intend to conduct ter-
9 rorist attacks internationally, including against the
10 United States, its citizens, and its interests.

11 (4) The Islamic State of Iraq and the Levant
12 has committed despicable acts of violence and mass
13 executions against Muslims, regardless of sect, who
14 do not subscribe to its depraved, violent, and oppres-
15 sive ideology, and has threatened genocide and com-
16 mitted vicious acts of violence against religious and
17 ethnic minority groups, including Iraqi Christian,
18 Yezidi, and Turkmen populations.

19 (5) The Islamic State of Iraq and the Levant
20 has targeted innocent women and girls with horrific
21 acts of violence, including abduction, enslavement,
22 torture, rape, and forced marriage.

23 (6) According to United States intelligence esti-
24 mates, approximately 20,000 to 30,000 Islamic
25 State of Iraq and the Levant fighters operate in

1 Iraq and Syria, an estimated 3,000 of whom are be-
2 lieved to hold passports from western countries.

3 (7) The Islamic State of Iraq and the Levant
4 finances its operations primarily through looting,
5 smuggling, taxes, oil sales, kidnapping, and human
6 trafficking.

7 (8) President Barack Obama articulated five
8 lines of effort in the campaign to counter the Islamic
9 State of Iraq and the Levant, including supporting
10 regional military partners, stopping the flow of for-
11 eign fighters, cutting off the access of the Islamic
12 State of Iraq and the Levant to financing, address-
13 ing urgent humanitarian needs, and exposing the
14 true nature of the Islamic State of Iraq and the Le-
15 vant.

16 (9) As a result of advances by the Islamic State
17 of Iraq and the Levant in Iraq and Syria, approxi-
18 mately half of the nearly 2,000,000 refugees and in-
19 ternally displaced people from Syria and Iraq have
20 taken refuge in the Iraqi Kurdistan Region in north-
21 ern Iraq.

22 (10) The Kurdistan Regional Government
23 (KRG) is the democratically elected government of
24 the Iraqi Kurdistan Region, and Iraqi Kurds have
25 been a reliable, stable, and capable partner of the

1 United States, particularly in support of United
2 States military and civilian personnel during Oper-
3 ation Iraqi Freedom and Operation New Dawn.

4 (11) The Iraqi constitution guarantees the right
5 of Iraqi regions, such as the Iraqi Kurdistan Region,
6 to maintain “internal security forces for the region
7 such as police, security forces, and guards of the re-
8 gion”.

9 (12) The Kurdish Peshmerga forces are offi-
10 cially organized under the Ministry of Peshmerga
11 Affairs and commanded by the Minister of
12 Peshmerga Affairs, who reports to the President of
13 the Kurdistan Regional Government.

14 (13) The Islamic State of Iraq and the Levant
15 has positioned its forces along a 650-mile border
16 spanning five Iraqi provinces and engaged in attacks
17 on Peshmerga forces defending the border.

18 (14) The Islamic State of Iraq and the Levant
19 has employed captured armored vehicles, long-range
20 artillery, and heavy weapons in attacking Kurdish
21 forces along the border.

22 (15) Kurdish Peshmerga forces have success-
23 fully retaken key areas of Iraq formerly controlled
24 by the Islamic State of Iraq and the Levant, includ-
25 ing Mount Sinjar, Mosul Dam, and Kirkuk.

1 (16) The United States and its allies have pro-
2 vided the resupply of various arms (including
3 Hellfire missiles, anti-tank weapons, helmets and
4 body armor, and ammunition) and training to
5 Peshmerga forces since June 2014.

6 (17) Such resupply efforts, to comply with
7 United States law, must be approved and coordi-
8 nated through the Government of Iraq.

9 (18) Masrour Barzani, the Chancellor of the
10 Kurdistan Region Security Council, described
11 Peshmerga forces as “overstretched” in the fight
12 against the Islamic State of Iraq and the Levant,
13 and Bayan Sami Abdul Rahman, the representative
14 of the Kurdistan Regional Government to the United
15 States, has expressed concern about “shortfalls” in
16 equipment.

17 (19) According to the Kurdistan Regional Gov-
18 ernment, more than 1,000 Kurdish Peshmerga and
19 Kurdish security forces have been killed, and more
20 than 5,000 have been wounded.

21 (20) A strong Peshmerga force is essential to
22 countering the threat of the Islamic State of Iraq
23 and the Levant to Iraq, the region, and United
24 States interests.

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

2 It is the sense of Congress that—

3 (1) the Islamic State of Iraq and the Levant
4 (ISIL) poses an acute threat to the people and terri-
5 torial integrity of Iraq, including the Iraqi Kurdistan
6 Region, and the security and stability of the Middle
7 East and the world;

8 (2) defeating the Islamic State of Iraq and the
9 Levant is critical to maintaining a unified Iraq in
10 which all faiths, sects, and ethnicities are afforded
11 equal protection and full integration into the Gov-
12 ernment and society of Iraq; and

13 (3) any outstanding issues between the Govern-
14 ment of Iraq and the Kurdistan Regional Govern-
15 ment should be resolved by the two parties expedi-
16 tiously to allow for a resumption of normal relations.

17 **SEC. 3. STATEMENT OF POLICY.**

18 It is the policy of the United States to directly pro-
19 vide Kurdistan Regional Government military and security
20 forces associated with the Government of Iraq with de-
21 fense articles, defense services, and related training, on
22 an emergency and temporary basis, to more effectively
23 partner with the United States and other international co-
24 alition members to defeat the Islamic State of Iraq and
25 the Levant (ISIL).

1 **SEC. 4. TEMPORARY EMERGENCY AUTHORIZATION OF DE-**
2 **ENSE ARTICLES, DEFENSE SERVICES, AND**
3 **RELATED TRAINING DIRECTLY TO THE**
4 **KURDISTAN REGIONAL GOVERNMENT.**

5 (a) AUTHORIZATION.—

6 (1) MILITARY ASSISTANCE.—The President, in
7 consultation with the Government of Iraq, is author-
8 ized to provide defense articles, defense services, and
9 related training directly to Kurdistan Regional Gov-
10 ernment military and security forces associated with
11 the Government of Iraq for the purpose of sup-
12 porting international coalition efforts against the Is-
13 lamic State of Iraq and the Levant (ISIL) or any
14 closely related successor group.

15 (2) DEFENSE EXPORTS.—The President is au-
16 thorized to issue licenses authorizing United States
17 exporters to export defense articles, defense services,
18 and related training directly to the Kurdistan Re-
19 gional Government military and security forces de-
20 scribed in paragraph (1). For purposes of processing
21 applications for such export licenses, the President is
22 authorized to accept End Use Certificates approved
23 by the Kurdistan Regional Government.

24 (3) TYPES OF ASSISTANCE.—Assistance author-
25 ized under paragraph (1) and exports authorized
26 under paragraph (2) may include anti-tank and anti-

1 armor weapons, armored vehicles, long-range artil-
2 lery, crew-served weapons and ammunition, secure
3 command and communications equipment, body
4 armor, helmets, logistics equipment, excess defense
5 articles and other military assistance that the Presi-
6 dent determines to be appropriate.

7 (b) RELATIONSHIP TO EXISTING AUTHORITIES.—

8 (1) RELATIONSHIP TO EXISTING AUTHORI-
9 TIES.—Assistance authorized under subsection
10 (a)(1) and licenses for exports authorized under sub-
11 section (a)(2) shall be provided pursuant to the ap-
12 plicable provisions of the Arms Export Control Act
13 (22 U.S.C. 2751 et seq.) and the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2151 et seq.), notwith-
15 standing any requirement in such applicable provi-
16 sions of law that a recipient of assistance of the type
17 authorized under subsection (a)(1) shall be a coun-
18 try or international organization. In addition, any
19 requirement in such provisions of law applicable to
20 such countries or international organizations con-
21 cerning the provision of end use retransfers and
22 other assurance required for transfers of such assist-
23 ance shall be secured from the Kurdistan Regional
24 Government.

1 (2) CONSTRUCTION AS PRECEDENT.—Nothing
2 in this section shall be construed as establishing a
3 precedent for the future provision of assistance de-
4 scribed in subsection (a) to organizations other than
5 a country or international organization.

6 (c) REPORTS.—

7 (1) INITIAL REPORT.—Not later than 45 days
8 after the date of the enactment of this Act, the
9 President shall submit to the appropriate congres-
10 sional committees a report that includes the fol-
11 lowing:

12 (A) A timeline for the provision of defense
13 articles, defense services, and related training
14 under the authority of subsections (a)(1) and
15 (a)(2).

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

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

24 (D) An accounting of the defense articles
25 provided to the Government of Iraq or the

1 Kurdistan Regional Government that have come
2 to be possessed, or are suspected of having
3 come to be possessed, by foreign terrorist orga-
4 nizations or groups known as “popular mobili-
5 zation forces”, or other militia groups, that are
6 supported by the Revolutionary Guard Corps of
7 Iran or other entities of the Government of the
8 Islamic Republic of Iran, which accounting shall
9 include the following:

10 (i) A description of the circumstances
11 leading to the transfer of such defense ar-
12 ticles to the Government of Iraq or the
13 Kurdistan Regional Government

14 (ii) A description of the circumstances
15 surrounding the possession of such defense
16 articles by groups described in this sub-
17 paragraph.

18 (iii) A description and assessment of
19 the use and battlefield impacts of such de-
20 fense articles by such groups.

21 (2) UPDATES.—Not later than 90 days after
22 the submittal of the report required by paragraph
23 (1), and every 90 days thereafter, the President
24 shall submit to the appropriate congressional com-
25 mittees a report updating the previous report sub-

mitted under this subsection. In addition to any matters so updated, each report shall include a description of any delays, and the circumstances surrounding such delays, in the delivery of defense articles, defense services, and related training to the Kurdistan Regional Government pursuant to the authority in subsections (a)(1) and (a)(2).

(3) FORM.—Any report under this subsection shall be submitted in unclassified form, but may include a classified annex.

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

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) NOTIFICATION.—The President should provide notification to the Government of Iraq before providing defense articles, defense services, or related training to the

1 Kurdistan Regional Government under the authority of
2 subsection (a)(1) or (a)(2).

3 (e) ADDITIONAL DEFINITIONS.—In this section, the
4 terms “defense article”, “defense service”, and “training”
5 have the meanings given those terms in section 47 of the
6 Arms Export Control Act (22 U.S.C. 2794).

7 (f) TERMINATION.—The authority to provide defense
8 articles, defense services, and related training under sub-
9 section (a)(1) and the authority to issue licenses for ex-
10 ports authorized under subsection (a)(2) shall terminate
11 on the date that is 3 years after the date of the enactment
12 of this Act.

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