

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue cap at the top. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The hourglass is centered on the page.

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February 2, 2009

Congressional Research Service

Report RL34322

The Gulf Security Dialogue and Related Arms Sale Proposals

Christopher M. Blanchard and Richard F. Grimmett, Foreign Affairs, Defense, and Trade Division

October 8, 2008

Abstract. This report describes the structure and objectives of the Gulf Security Dialogue; briefly assesses its regional implications; summarizes related proposed arms sales; provides an overview of congressional notification and review procedures; and analyzes recent related activity in the Administration and Congress.

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The Gulf Security Dialogue and Related Arms Sale Proposals

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Congressional Research Service

7-5700

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RL34322

Summary

In May 2006, the Administration launched an effort to revive U.S.-Gulf Cooperation Council (GCC) security cooperation under the auspices of a new Gulf Security Dialogue (GSD). The Dialogue now serves as the principal security coordination mechanism between the United States and the six countries of the Gulf Cooperation Council (GCC)—Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman. The core objectives of the Dialogue are the promotion of intra-GCC and GCC-U.S. cooperation to meet common perceived threats. The Dialogue provides a framework for U.S. engagement with the GCC countries in the following six areas: (1) the improvement of GCC defense capabilities and interoperability; (2) regional security issues such as the Israeli-Palestinian conflict and Lebanon; (3) counter-proliferation; (4) counter-terrorism and internal security; (5) critical infrastructure protection; and (6) commitments to Iraq.

The Administration has proposed a series of arms sales intended to enhance the defense capabilities of the GCC countries and improve the interoperability of their militaries in line with the objectives of the Gulf Security Dialogue. In particular, the Administration recently has proposed the sale of defense systems designed to strengthen the maritime, air, and missile defenses of some GCC members. Under Section 36(b) of the Arms Export Control Act (AECA), Congress must be formally notified 30 calendar-days before the Administration can take the final steps to conclude a government-to-government Foreign Military Sale of: 1) major defense equipment to a non-NATO government valued at \$14 million or more, 2) defense articles or services valued at \$50 million or more, or 3) design and construction services valued at \$200 million or more. Congress may review proposed sales and take steps to amend or prohibit them.

In late 2007, some Members of Congress expressed concern regarding an Administration proposal to sell satellite-guided Joint Direct Attack Munitions (JDAM) kits to Saudi Arabia. In the Middle East region, to date, the United States has sold JDAM kits to Israel, the United Arab Emirates, and Oman. Since August 2007, the Administration has notified Congress of proposals to sell 10,000 JDAM kits to Israel and 200 JDAM kits to the United Arab Emirates. On January 14, 2008, the Administration formally notified Congress of a proposal to sell 900 JDAM kits to Saudi Arabia (Transmittal No. 08-18). On January 15, 2008, Representative Anthony Weiner introduced H.J.Res. 76 to prohibit the JDAM sale to Saudi Arabia. The bill was cosponsored by 104 Members of Congress, but was not considered by the House Foreign Affairs Committee within the 30-calendar day review period provided by the AECA. Congress has the option of passing legislation to block or modify any arms sale *at any time* up to the point of delivery of the items involved.

This report describes the structure and objectives of the Gulf Security Dialogue; briefly assesses its regional implications; summarizes related proposed arms sales; provides an overview of congressional notification and review procedures; and analyzes recent related activity in the Administration and Congress. It will be updated as events warrant.

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Background

The maintenance of stability in the Persian Gulf region has long been a national security priority for the United States.¹ Primary U.S. objectives have included securing the free flow of the region's oil and natural gas to international markets and supporting allied regional governments in their efforts to balance external threats and maintain internal security. In pursuit of these objectives, successive U.S. administrations have demonstrated security commitments to the six countries of the Gulf Cooperation Council (GCC)—Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman. Significant arms sales,² prolonged military training programs,³ material pre-positioning and basing arrangements,⁴ joint exercises,⁵ and direct military interventions⁶ have characterized U.S. policy toward the Gulf region.

The Arab Gulf countries founded the Gulf Cooperation Council in 1981 as a mechanism for resolving internal political and economic issues and coordinating multilateral security cooperation. Both of these goals supported the GCC members states' fundamental desire to minimize the potential need for external intervention in Gulf affairs. Throughout the 1990s, U.S. military posture in the Gulf region and U.S. attempts to promote GCC security coordination were designed to contain potential conventional military threats from Iraq and Iran. In the late 1990s, the Clinton Administration initiated a program to promote cooperation to meet threats from weapons of mass destruction (see below). The emergence of sophisticated transnational terrorist and proliferation networks, the removal of Saddam Hussein's government in Iraq, and the relative strengthening of Iran have now created a more complex strategic environment. The Bush Administration established the Gulf Security Dialogue in May 2006 as a mechanism for reinvigorating established U.S.-GCC defense cooperation, mitigating emerging terrorism and proliferation threats, and responding to changes in the regional strategic balance.

¹ Direct statements of policy have underscored this priority, such as President Carter's January 1980 State of the Union address declaration that the United States would use "any means necessary, including military force" to prevent any outside power from attempting to control the Persian Gulf.

² From the year of the GCC's founding, 1981, through September 30, 2006, the United States delivered over \$72 billion in weapons, training, equipment, and related services to the six GCC countries through the government-to-government Foreign Military Sales program. Over \$57 billion of these sales were made to Saudi Arabia. (Note: The aggregate figure includes deliveries made to the United Arab Emirates under a commercial sales agreement for 80 F-16 Block 60 aircraft.) Source: Defense Security Cooperation Agency data, September 30, 2006.

³ The U.S. Military Training Mission in Saudi Arabia and Saudi Arabian National Guard Modernization Program have continued since the 1950s and 1970s, respectively. The programs are administered under bilateral memoranda (28 UST 2409 and 24 UST 1106).

⁴ Since 1990, the United States has signed or renewed pre-positioning and/or basing access agreements with each of the GCC countries except Saudi Arabia. Key U.S. facilities in the region include the 5th Fleet headquarters in Manama, Bahrain, U.S. CENTCOM command facilities in Qatar, and basing and port facilities in Kuwait and the United Arab Emirates.

⁵ U.S. CENTCOM's annual Eagle Resolve exercises bring U.S. and GCC military and security personnel together for joint training in simulated crisis scenarios. The 2007 exercise was held in Qatar and focused on missile defense and attack consequence management training.

⁶ Key examples include the re-flagging of Kuwaiti oil tankers in the 1980s, the expulsion of Iraqi forces from Kuwait in the 1991 Gulf War, and the removal of Saddam Hussein's regime in 2003.

The Gulf Security Dialogue

Structure and Objectives

The Administration is seeking to establish the Gulf Security Dialogue (GSD) as the principal security coordination mechanism between the United States and the six countries of the Gulf Cooperation Council. The core objectives of the Dialogue are the promotion of intra-GCC and GCC-U.S. cooperation to meet common perceived threats. The Dialogue provides a framework for U.S. engagement with participating GCC countries in the following six areas: (1) the improvement of GCC defense capabilities and interoperability; (2) regional security issues such as the Israeli-Palestinian conflict and Lebanon; (3) counter-proliferation; (4) counter-terrorism and internal security; (5) critical infrastructure protection; and (6) Iraq.

The Dialogue serves as a forum for U.S. officials and their counterparts in participating GCC countries to discuss bilateral and multilateral initiatives to address issues in these areas. On the U.S. side, GSD engagement is led jointly by Assistant Secretaries in the Department of State's Bureau of Political-Military Affairs and in the Office of the Secretary of Defense. To date, formal GSD discussions have been held with each country semi-annually. At the working level, interagency representatives from the National Security Council, U.S. Central Command (CENTCOM), the Department of State, the Office of the Secretary of Defense, and the Joint Staff carry out ongoing bilateral consultations with GCC officials in support of initiatives coordinated under the GSD. Administration officials have stressed that the Dialogue is not intended to replace or detract from longstanding bilateral arrangements between the United States and individual GCC countries, but rather to ensure the complementarity of ongoing efforts and to promote new multilateral cooperation. In the case of some GCC member states, traditional bilateral coordination mechanisms such as established military to military coordination programs have not yet been replaced by interagency, integrated GSD engagement.

Analysis and Regional Implications

U.S. policymakers have long sought to balance the security benefits of a sustained U.S. military presence in the Persian Gulf region with the material and political costs that such a presence creates. As a result, successive Administrations have promoted intra-GCC and GCC-U.S. cooperation as a potential means of reducing regional dependence on U.S. and allied forces over time. The United States has supported GCC initiatives such as the creation of the small GCC multilateral force known as Peninsula Shield and the establishment of the GCC "Belt of Cooperation" air space monitoring network. During the Clinton Administration, the United States promoted bilateral and multilateral cooperation with the GCC countries to meet chemical and biological threats under the auspices of a multi-pillar Cooperative Defense Initiative.⁷ As such, the establishment of the Gulf Security Dialogue and the announcement of related arms sale proposals do not mark significant changes in the overall direction of U.S. foreign policy in the region, but rather the renewal and consolidation of a policy trend that has continued over several decades.

⁷ The Initiative had five pillars: active defense, passive defense, shared early warning, consequence management, and medical countermeasures. See Jim Garamone, "Cooperative Defense Initiative Seeks to Save Lives," *American Forces Press Service*, April 10, 2000.

Nevertheless, changes in the regional security environment since the mid-1990s have prompted an evolution in the focus of U.S. engagement with the GCC countries. These changes are reflected in the priorities defined by the Gulf Security Dialogue. The elevation of counterterrorism and counter-proliferation efforts alongside conventional military cooperation signals that increased emphasis is now being placed on these issues. It also suggests that U.S. policy makers may be concerned that existing initiatives are not sufficient to address transnational threats effectively. The inclusion of political consultations on Iraq and regional security issues like Israeli-Palestinian affairs in U.S.-GCC dialogue demonstrates that the United States has acknowledged the importance of these issues to the security calculations of the GCC countries. Terrorist threats to and attempted attacks on critical energy infrastructure in the Gulf region have prompted the opening of discussions on securing key sites, in spite of historic sensitivities regarding sovereignty and foreign participation in the regional energy industry.

To date, efforts to promote intra-GCC and GCC-U.S. security cooperation have faced significant challenges, some of which remain relevant in the current strategic environment. The GCC countries have unique perspectives on the various security threats they face and on the preferability of various policy responses. Although complex transnational threats may compel the GCC countries to pursue more cooperative policies, some GCC leaders appear to remain reluctant to fully embrace integrated responses. Arab concern about Iranian intentions and military capabilities is evident, but the GCC countries continue to reach out to Iranian leaders to avoid the appearance of siding as a consolidated bloc with the United States against their Gulf neighbor. The GCC countries have endorsed the International Compact for Iraq and have made pledges to Iraq regarding debt forgiveness and diplomatic representation. However, some regional governments led by Sunni Arabs may continue to limit their engagement with the Iraqi government based on perceptions that some Shiite Iraqi leaders are motivated by sectarian interests. Intra-governmental politics limit the willingness of some GCC members to engage in joint military and interagency consultations, both within their own government and with the United States through the Gulf Security Dialogue.

The stability and security of the Persian Gulf region and its energy resources will likely remain U.S. national security priorities for the foreseeable future. Key short- and medium-term concerns include evolving terrorism and proliferation threats, Iranian investment in ballistic missile and nuclear technology, and growing interest in Gulf security from China, Russia, and India. Looking forward, Congress may seek to influence U.S. foreign policy toward the GCC countries through the appropriation of funds for programs coordinated under the Gulf Security Dialogue and the evaluation of related arms sale proposals. Traditional congressional concerns about preserving Israel's so-called 'qualitative military advantage' are likely to persist. Members also may judge appropriations requests and arms sale proposals in relation to their ability to secure new U.S. objectives in a changing security environment.

Related Arms Sale Proposals and Notifications to Congress

The Administration has proposed a series of arms sales intended to enhance the defense capabilities of the GCC countries and improve the interoperability of their militaries in line with the objectives of the Gulf Security Dialogue. In particular, the Administration has proposed the sale of defense systems designed to strengthen the maritime, air, and missile defenses of some GCC members. Details of arms sale proposals to the GCC countries notified to Congress since

August 1, 2007 are included below in **Appendix**. Under Section 36(b) of the Arms Export Control Act (AECA),⁸ Congress must be formally notified 30 calendar-days before the Administration can take the final steps to conclude a government-to-government Foreign Military Sale of certain equipment or services of defined monetary values (see below). The fact that an arms sale has been formally notified, and has cleared Congressional review, does not necessarily mean that a contract has been signed to implement the proposed sale.

Prospective Sale of Joint Direct Attack Munition (JDAM) Technology

During 2007, press reports concerning the prospective sale of **Joint Direct Attack Munition (JDAM)** technology to Saudi Arabia resulted in public expressions of Congressional concern (See “Administration and Congressional Activity” below).⁹ The JDAM is a Global Positioning System (GPS) satellite-aided, inertial guidance kit that can be attached to unguided MK-82, MK-83, MK-84, BLU-109, and BLU-110 conventional bombs.¹⁰ The precision guidance of JDAM kits enhance bombing accuracy considerably. As such, some observers have expressed concern about the sale of JDAM kits to foreign countries because of the potential consequences of their use as offensive weapons. The Defense Security Cooperation Agency notes in its technology sensitivity annexes to JDAM sale proposals that successful use of JDAM kits requires access to accurate target coordinates, GPS capability, and an operational test and evaluation plan.

In the Middle East region, to date, the United States has sold JDAM kits to Israel, the United Arab Emirates, and Oman. Since August 2007, the Administration has notified Congress of proposals to sell 10,000 JDAM kits to Israel and 200 JDAM kits to the United Arab Emirates.¹¹ On January 14, 2008, the Administration formally notified Congress of a proposal to sell 900 JDAM kits to Saudi Arabia.¹²

Congressional Review Procedures¹³

As noted above, under Section 36(b) of the Arms Export Control Act (AECA),¹⁴ Congress must be formally notified 30 calendar-days before the Administration can take the final steps to conclude a government-to-government foreign military sale of major defense equipment to a non-NATO government¹⁵ valued at \$14 million or more, defense articles or services valued at \$50

⁸ 22 U.S.C. 2751 et. seq.

⁹ See, for example, Ze’ev Schiff, “Gates says Washington to Sell Smart Bombs to Saudi Arabia,” *Haaretz*, April 20, 2007.

¹⁰ Details regarding the JDAM system are found in *Jane’s Air Launched Weapons, 2007*.

¹¹ See Defense Security Cooperation Agency Transmittals 07-32 (Israel) and 08-01 (UAE).

¹² Defense Security Cooperation Agency Transmittal 08-18.

¹³ For a detailed discussion and review of the Congressional review process regarding arms sales, see CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Richard F. Grimmett.

¹⁴ 22 U.S.C. 2751 et. seq.

¹⁵ In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar days before the Administration can proceed with the sale. However, the prior notice threshold values are higher for NATO members, Australia, Japan, or New Zealand. These higher thresholds are: \$25,000,000 for the sale, enhancement, or upgrading of major defense equipment; \$100,000,000 for the sale, enhancement, or upgrading of defense articles and defense services; and \$300,000,000 for the sale, enhancement, or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations.

million or more, or design and construction services valued at \$200 million or more. These conditions apply in the case of any arms sale to a GCC country that meets the established value thresholds. Bahrain and Kuwait have been designated major non-NATO allies, but this designation does not affect proposed arms sale notification requirements under the AECA.¹⁶ In general, the executive branch, after complying with the terms of applicable U.S. law, principally contained in the AECA, is free to proceed with an arms sales proposal unless Congress blocks it through enactment of a joint resolution disapproving it under AECA procedures, or by prohibiting the proposed sale through enactment of specific legislation.

Under current law, Congress faces two fundamental obstacles to blocking or modifying a Presidential sale of military equipment: it must be able to pass legislation expressing its will on the sale, and it must be capable of overriding a presumptive Presidential veto of any such legislation, including a resolution of disapproval. However, Congress has the option of passing legislation to block or modify an arms sale *at any time* up to the point of delivery of the items involved. Such an action, if taken, would, as with a resolution of disapproval, be subject to a Presidential veto.

Administration and Congressional Activity

Background

In October 2006, then-Director of the Defense Security Cooperation Agency Lt. Gen. Jeffrey Kohler predicted that sales related to the Gulf Security Dialogue (GSD) would likely increase the number of arms sales proposals involving the Gulf Cooperation Council (GCC) countries during 2007. According to Kohler, improving GCC countries' missile defense capabilities was "high on the agenda."¹⁷ Among other potential weapons sales Kohler discussed were border and maritime security equipment, including radar systems and communications gear. As noted above, the Administration has since issued formal notifications to Congress of arms sale proposals to provide some of these systems to some GCC countries.

In early 2007, press reports quoted unnamed U.S. officials as indicating that the Administration planned to notify Congress of a proposed sale of Joint Direct Attack Munition (JDAM) technology to Saudi Arabia and that some Israeli officials had expressed tentative opposition to such a sale.¹⁸ In response, some Members of Congress began expressing concern about the potential sale of JDAM technology to Saudi Arabia. Some Members of Congress remain opposed to a prospective sale based on concern for the protection of U.S. and allied forces in the Gulf region and the preservation of Israel's so-called 'qualitative military edge' over its Arab neighbors (see below). On January 14, 2008, the Administration formally notified Congress of a proposal to sell 900 JDAM kits to Saudi Arabia.¹⁹

¹⁶ See Presidential Determination No. 2002-10, March 14, 2002 (Bahrain), and Presidential Determination No. 2004-21, January 15, 2004 (Kuwait).

¹⁷ Sebastian Sprenger, "New Persian Gulf Security Effort Expected to Fuel Arms Sales in FY-07," *Inside the Pentagon*, Vol. 22, No. 45, November 9, 2006.

¹⁸ David S. Cloud and Helene Cooper, "Israel's Protests Are Said to Stall Gulf Arms Sale," *New York Times*, April 5, 2007.

¹⁹ Defense Security Cooperation Agency Transmittal 08-18.

Congressional Initiatives

Since July 2007, Members of Congress have submitted a series of letters to President Bush expressing concern about potential weapons sales to Saudi Arabia and calling for the Administration to take specific actions. Some Members warned that the submission of a formal notification of a proposal to sell JDAM technology to Saudi Arabia without specific assurances would result in the introduction of a resolution of disapproval to prevent the sale. Others vowed to introduce or otherwise support resolutions of disapproval in the event the Administration informed Congress of any proposal to sell JDAM kits to Saudi Arabia.

- In August 2007, 114 Members of Congress signed a letter to President Bush expressing “deep opposition to the proposed sale of high technology armaments to the Kingdom of Saudi Arabia” and vowing to vote against unspecified proposed sales in the event that resolutions of disapproval are submitted.²⁰
- On November 15, 2007, Representative Mark Kirk, Representative Chris Carney, and 186 other Members of Congress signed a letter to President Bush stating that unless the Administration provided assurances that the sale of JDAM kits to Saudi Arabia will not “harm U.S. forces in the region or undercut Israel’s qualitative military advantage,” they would be prepared to oppose any proposed JDAM sale. The letter also called for regular reporting, tight Congressional oversight, and intense consultations” with Israel. Representatives of the American-Israel Public Affairs Committee (AIPAC) have stated that AIPAC “supports the Kirk-Carney letter and efforts by Congress to seek assurances from the Administration that ironclad measures will be included in the final arms package to ensure the safety of American troops and [U.S.] allies in the region.”²¹
- On November 15, 2007, Representative Anthony Weiner and 116 other Members of Congress signed a letter to President Bush requesting that formal notification regarding any proposals to sell “high technology armaments to the Kingdom of Saudi Arabia” be postponed until January 15, 2008.²²

In a January 12, 2008 letter responding to Representative Mark Kirk, the Administration stated that it had “made arrangements to ensure the security and proper employment” of precision guided munitions proposed for sale to Saudi Arabia.²³ The response letter indicated that the details of those arrangements were classified and committed to keeping Congress informed about the sale and potential changes via “proper channels.” The response letter also stated that the Administration could assure Congress that the sale would not affect Israel’s qualitative military advantage and warned that Saudi Arabia could seek precision guidance munition capabilities from

²⁰ See Office of U.S. Representative Anthony Weiner (NY-9), “Broad Bipartisan Coalition of 114 Congressional Members Release Letter to President Bush Opposing Arms Sale to Saudi Arabia, Say Will Vote to Stop Sale,” August 2, 2007.

²¹ See Office of U.S. Representative Mark Kirk (IL-10), “Kirk, Carney Circulate Bipartisan Letter to President Requiring Assurances on Smart Weapons Sales to Saudi Arabia,” October 4, 2007; and, AIPAC Press Secretary Jennifer Cannata quoted in Eli Lake, “Bush Urged To Place Rules On \$20B Saudi Arms Sale”, *New York Sun*, November 15, 2007.

²² See Office of U.S. Representative Anthony Weiner (NY-9), “State Department Agrees to Request from Weiner and 116 Members of Congress to Delay Notification of Saudi Arms Deal until January,” December 4, 2007.

²³ Letter from Assistant Secretary of Defense for International Security Affairs Mary Beth Long and Acting Assistant Secretary of State for Political-Military Affairs Ambassador Stephen Mull to Representative Mark Kirk, January 12, 2008.

other sources, to the possible detriment of “the best interests of the United States, and of the entire region.”

On January 15, Representative Anthony Weiner introduced a joint resolution of disapproval (H.J.Res. 76) to prohibit the sale. The bill was cosponsored by 104 Members of Congress, but was not considered by the House Foreign Affairs Committee within the 30-calendar day review period provided by the AECA.²⁴ At a press conference on January 15, Representative Weiner and Representative Robert Wexler stated their intent to request that Chairman Lantos and other House leaders reconsider and allow the Committee, and ultimately the full House, to vote on the resolution. The 30-calendar day review period lapsed on February 14, 2008, clearing the Administration to proceed with negotiation of a potential sale of JDAM technology to Saudi Arabia.

The Defense Security Cooperation Agency indicated that a Letter of Offer and Acceptance (LOA) was presented to the Saudi government in May 2008.²⁵ The agency expected the Saudis to sign the letter, and reported that deliveries of JDAM systems will not begin until 2011. Congress has the option of passing legislation to block or modify any arms sale *at any time* up to the point of delivery of the items involved.

On May 13, 2008, Senator Charles Schumer introduced S.J.Res. 32 to prohibit the issuance of a letter of offer for four proposed arms sales²⁶ to Saudi Arabia unless Saudi Arabia increases its oil production by 1 million barrels per day over its reported level of production on January 1, 2008. On May 21, 2008, Representative Weiner introduced similar legislation in the House (H.J.Res. 87).

Analysis

Debate in the 110th Congress over weapons sales to the GCC states in general, and to Saudi Arabia in particular, largely mirrors past congressional debate over the sale of major weapons systems to the Gulf region. Since the early 1980s, most Members have accepted successive Administrations’ arguments about the importance of arms sales as a component of the U.S. security commitment to and cooperation with the GCC countries. However, as in past debates, some Members simultaneously express concern about the potential fate of U.S. weaponry and threats to U.S. forces in the region should currently allied Gulf governments suffer abrupt, hostile regime changes. Others also argue that sales of sophisticated weaponry to the GCC countries may erode Israel’s “qualitative edge” over its Arab neighbors in the event of potential Arab military action against Israel. Successive Administrations have maintained that the Gulf states are too dependent on U.S. training, spare parts, and technological support to be in a position to use sophisticated U.S.-made arms against the United States, Israel, or any other U.S. ally.²⁷

²⁴ Lynne Weill, a spokeswoman for then-Chairman Tom Lantos, stated that the Chairman did “not intend to ask the committee to consider any resolutions of disapproval on [the proposed JDAM sale].” *Jewish Telegraphic Agency*, “Effort to Block Saudi Arms Deal is Doomed,” January 15, 2008.

²⁵ DSCA response to CRS inquiry, May 9, 2008.

²⁶ The legislation would prohibit letters of offer for the following proposed sales described in the appendix of this report: Transmittal Number 08-03, Transmittal Number 08-28, Transmittal Number 08-29, and Transmittal Number 08-18.

²⁷ Gopal Ratnam and Amy Svitak, “U.S. Would Keep Tight Rein on Missile Sold to Bahrain,” *Defense News*, September 11, 2000.

In the past, Congress has sought and received specific assurances from the President regarding the security and use of weapons systems sold to Saudi Arabia.²⁸ Section 4 of the Arms Export Control Act (AECA) states that U.S. defense articles and defense services shall be sold to friendly countries “solely” for use: 1) in “internal security,” 2) for use in “legitimate self-defense,” 3) to enable the recipient to participate in “regional or collective arrangements or measures consistent with the Charter of the United Nations,” 4) to enable the recipient to participate in “collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security,” and 5) to enable the foreign military forces “in less developed countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries.” The U.S. Government has other options under the AECA to prevent transfer of defense articles and services for which valid contracts exist. These options include finding a foreign country in violation of an applicable defense sale agreement with the United States, suspension of deliveries of defense items already ordered, and refusal to allow new arms orders.

In July 2007, Israeli Prime Minister Ehud Olmert stated that Israel had received, “a detailed and explicit commitment” from the United States “to ensure [Israel’s] qualitative military edge over the Arab states.”²⁹ During an October 2007 visit to Washington, DC, Israeli Defense Minister Ehud Barak stated that Israel has “understandings and arrangements with the Administration that make us confident that Israel’s military qualitative edge will be kept.” He added that the Israeli government did “not intend to oppose the deal.”³⁰ These statements from the current Israeli administration led many U.S. observers to conclude that Israel’s short term concerns regarding proposed U.S. arms sales to Saudi Arabia and other GCC countries had been addressed in an unspecified manner. Some wire service and Israeli press reports citing Israeli sources have claimed that the Bush Administration has conveyed to Israeli officials its intention to provide Israel with advanced JDAM kits equipped with additional laser guidance and/or anti-jamming capabilities.³¹ Although Israeli leaders have gone on record stating their confidence in U.S. pledges to preserve “Israel’s qualitative military edge,” U.S. and Israeli officials have not specifically confirmed any plans to sell more capable JDAM systems to Israel.

²⁸ For example, Section 131 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) [http://www.congress.gov/cgi-lis/bdquery/R?d099:FLD002:@1\(99+83\)](http://www.congress.gov/cgi-lis/bdquery/R?d099:FLD002:@1(99+83)) reviewed President Reagan’s 1981 statement to the Senate in which he made certain commitments regarding the sale of E-3A Airborne Warning and Control Systems (AWACS) aircraft to Saudi Arabia. P.L. 99-83 required President Reagan to submit a written certification to Congress that the conditions set forth in his 1981 statement had been met before the AWACS aircraft were transferred to Saudi Arabia.

²⁹ Yaakov Katz, “Jerusalem Wary of U.S. Arms Sale to Saudis,” *Jerusalem Post*, July 30, 2007.

³⁰ Nathan Guttman, “Contradictory Signals From Israel and its Supporters on Saudi Arms Deal,” *The Forward*, October 24, 2007.

³¹ Herb Keinon and Yaakov Katz, “Bush Expedites Saudi Smart Bomb Deal,” *Jerusalem Post*, January 8, 2008; and Dan Snyder, “Israel to get ‘smarter’ U.S.-made bombs than Saudis,” *Reuters*, January 13, 2008.

Appendix. Proposed Arms Sale Notifications

Since August 1, 2007 the following proposals for various arms sales to some GCC countries under the Foreign Military Sales (FMS) program have been formally notified to Congress. The information below is derived from notices prepared by the Defense Security Cooperation Agency (DSCA) and briefly describes the basic elements of the proposed sales on a country by country basis, including the notification transmittal numbers, the DSCA estimate of the potential value of the sale, and the date Congress was formally notified about each sale.³² The fact that an arms sale has been formally notified, and has cleared Congressional review, does not necessarily mean that a contract has been signed to implement the proposed sale. Not all of the sales listed below are formally associated with the Gulf Security Dialogue, and some support pre-existing bilateral military cooperation initiatives focused on building the conventional land, air, and sea capabilities of the GCC countries.

Bahrain

- On August 3, 2007, Congress was notified of a possible sale of **six Bell 412 Air Search and Recovery Helicopters** configured with PT6T-9 engines and electronic engine control, spare and repair parts, publications and technical data, personnel training and training equipment, U.S. Government support, and contractor representatives' engineering and technical support services, and other related elements of logistics support. The estimated value of the sale, if all options are exercised, could be as high as \$160 million. Transmittal No. 07-38.³³

Kuwait

- On October 4, 2007, Congress was notified of a possible sale to **upgrade three L-110-30 aircraft, (a commercial version of the C-130 aircraft)** to include modifications, spare and repair parts, support equipment, publications and technical data, flight engineer training, communications equipment, maintenance, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, preparation of the aircraft for shipment, and other related elements of logistics support. The estimated value of the sale, if all options are exercised, could be as high as \$250 million. Transmittal No. 08-08.³⁴
- On November 9, 2007 Congress was notified of a possible sale of **technical logistics support, contractor maintenance, and technical services, in support of the F/A-18 aircraft** to include contractor engineering technical services, contractor maintenance support, avionics software, engine component improvement and spare parts, technical ground support equipment, spare and repair parts, supply support, publications and technical data, engineering change proposals, U.S. Government and contractor technical and logistics personnel

³² The Defense Security Cooperation Agency (DSCA) provides the details of major arms sales notifications at http://www.dscamilitary.com/PressReleases/36-b/36b_index.htm.

³³ Details available at http://www.dscamilitary.com/PressReleases/36-b/2007/Bahrain_07-38.pdf.

³⁴ Details available at http://www.dscamilitary.com/PressReleases/36-b/2007/Kuwait_08-08.pdf.

services and other related elements of program support. The estimated value of the sale, if all options are exercised, could be as high as \$90 million. Transmittal No. 08-14.³⁵

- On December 4, 2007, Congress was notified of a possible sale of **80 PAC-3 missiles, PATRIOT GEM-T Modification Kits to upgrade 60 PAC-2 missiles, 6 PATRIOT System Configuration 3 Modification kits to upgrade PATRIOT Radars to REP II**, communications support equipment tools and test equipment, system integration and checkout, installation, personnel training, containers, spare and repair parts, publications and technical data, U.S. Government and contractor technical and logistics personnel services, and other related elements of program support. The estimated value of the sale, if all options are exercised, could be as high as \$1.363 billion. Transmittal No. 08-23.³⁶
- On January 3, 2008, Congress was notified of a possible sale of **2,106 TOW-2A Radio Frequency Missiles, 21 Buy-to-Fly missiles, 1,404 TOW-2B Radio Frequency missiles, 14 Buy-to-Fly missiles containers**, spare and repair parts, supply support, publications and technical data, U.S. Government and contractor technical and logistics personnel services, and other related elements of program support. The estimated value of the sale, if all options are exercised, could be as high as \$328 million. Transmittal No. 08-22.³⁷
- On September 9, 2008, Congress was notified of a possible sale of **120 AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM), 78 LAU-127-B/A Launchers, 78 LAU-127-C/A Launchers, Captive Air Training Missiles**, and related equipment, training, and services. The estimated value of the sale, if all options are exercised, could be as high as \$178 million. Transmittal No. 08-36.³⁸

Saudi Arabia

- On October 4, 2007, Congress was notified of a possible sale of **Light Armored Vehicles (LAV) and High Mobility Multi-Purpose Wheeled Vehicles (HMMWV) and associated equipment**. Specifically, 37 Light Armored Vehicles-Assault Gun (LAV-AG); 26 LAV-25mm; 48 LAV Personnel Carriers; 5 Reconnaissance LAVs; 5 LAV Ambulances; 3 LAV Recovery Vehicles; 25 M1165A1 High Mobility Multi-purpose Wheeled Vehicles (HMMWV); 25 M1165A1 HMMWV with winch; 124 M240 7.62mm Machine Guns; 525 AN/PVS-7D Night Vision Goggles (NVGs); various M978A2 and M984A2 Heavy Expanded Mobility Tactical Trucks, family of Medium Tactical Vehicles, 120mm Mortar Towed, M242 25mm guns, spare and repair parts; sets, kits, and outfits; support equipment; publications and technical data; personnel training and training equipment; contractor engineering and technical support services and other related elements of logistics support. The estimated value of the sale, if

³⁵ Details available at http://www.dsca.mil/PressReleases/36-b/2007/Kuwait_08-14.pdf.

³⁶ Details available at http://www.dsca.mil/PressReleases/36-b/2007/Kuwait_08-23.pdf.

³⁷ Details available at http://www.dsca.mil/PressReleases/36-b/2008/Kuwait_08-22.pdf.

³⁸ Details available at http://www.dsca.mil/PressReleases/36-b/2008/Kuwait_08-36.pdf.

all options are exercised, could be as high as \$631 million. Transmittal No. 08-03.³⁹

- On December 7, 2007, Congress was notified of a possible sale of **five sets of Airborne Early Warning (AEW) and Command, Control and Communications (C3) mission equipment/Radar System Improvement Program (RSIP) Group B kits for subsequent installation and checkout in five E-3 Airborne Warning and Control Systems (AWACS)**. This proposed sale will also include spare and repair parts, support equipment, publications and technical documentation, contractor engineering and technical support, and other related elements of program support. The estimated value of the sale, if all options are exercised, could be as high as \$400 million. Transmittal No. 08-28.⁴⁰
- On December 7, 2007, Congress was notified of a possible sale of **40 AN/AAQ-33 SNIPER Advanced Targeting Pods**, aircraft installation and checkout, digital data recorders/cartridges, pylons, spare and repair parts, support equipment, publications and technical documentation, contractor engineering and technical support, and other related elements of program support. The estimated value of the sale, if all options are exercised, could be as high as \$220 million. Transmittal No. 08-29.⁴¹
- On January 14, 2008, Congress was notified of a possible sale of **900 Joint Direct Attack Munition (JDAM) tail kits (which include 550 Guided Bomb Unit (GBU)-38 kits for MK-82 bombs, 250 GBU-31 kits for MK-84 bombs, and 100 GBU-31 kits for BLU-109 bombs)**. Also included are bomb components, mission planning, aircraft integration, publications and technical manuals, spare and repair parts, support equipment, contractor engineering and technical support, and other related support elements. The estimated value of the sale, if all options are exercised, could be as high as \$123 million. Transmittal No. 08-18.⁴² According to DSCA, a Letter of Offer and Acceptance for the sale was to be presented to Saudi officials in May 2008. Deliveries would not begin until 2011.⁴³
- On July 18, 2008, Congress was notified of a possible sale of **training and support for the continuation of the Saudi Arabian National Guard Modernization Program through 2013**. The program has been managed by the Vinnell Corporation since 1975.⁴⁴ The sale would include “professional military advice and assistance, management assistance, contract administration, construction oversight, transportation of equipment, personnel training and training equipment, light armored vehicle training, spare and repair parts, management of repair and return of components, automation program support, and other related elements of logistics support.” The estimated value of the sale,

³⁹ Details available at http://www.dsca.mil/PressReleases/36-b/2007/Saudi_08-03.pdf.

⁴⁰ Details available at http://www.dsca.mil/PressReleases/36-b/2007/Saudi_08-28.pdf.

⁴¹ Details available at http://www.dsca.mil/PressReleases/36-b/2007/Saudi_08-29.pdf.

⁴² Details available at http://www.dsca.mil/PressReleases/36-b/2008/Saudi_Arabia_08-18.pdf.

⁴³ DSCA response to CRS inquiry, May 9, 2008.

⁴⁴ For more information on the SANG Modernization program see CRS Report RL33533, *Saudi Arabia: Background and U.S. Relations*, by Christopher M. Blanchard.

if all options are exercised, could be as high as \$1.8 billion. Transmittal No. 08-67.⁴⁵

- On September 9, 2008, Congress was notified of a possible sale of **12 AH-64D Block II APACHE Longbow Helicopters, 30 T700-GE-701D Engines, 12 Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors, 4 each AN/APG-78 Fire Control Radars and AN/APR-48 Radar Frequency Interferometers, 28 M299 HELLFIRE Longbow Missile Launchers, 12 AN/ALQ-144C(V)3 Infrared Jammers, 12 AN/APR-39A(V)4 Radar Signal Detecting Sets, 12 AN/ALQ-136(V)5 Radar Jammers, 12 AAR-57(V)3/5 Common Missile Warning Systems, 36 Improved Countermeasures Dispensers, and 12 AN/AVR-2B Laser Warning Sets.** According to the notification, “The proposed sale will provide for the defense of vital installations and will provide close air support for the Saudi military ground forces. This sale also will increase the Royal Saudi Air Force (RSAF) APACHE sustainability and interoperability with the U.S. Air Force, the Gulf Cooperation Council countries, and other coalition air forces.” The estimated value of the sale, if all options are exercised, could be as high as \$598 million. Transmittal No. 08-75.⁴⁶

United Arab Emirates

- On October 4, 2007, Congress was notified of a possible sale of **300 AGM-114M3 Blast Fragmentation Warheads and 900 AGM-114L3 HELLFIRE II Longbow missiles, 200 Blast Fragmentation Sleeve Assemblies,** containers, spare and repair parts, test and tool sets, personnel training and equipment, publications, U.S. Government and contractor engineering and logistics personnel services, Quality Assurance Team support services, and other related elements of logistics support. The estimated value of the sale, if all options are exercised, could be as high as \$428 million. Transmittal No. 08-04.⁴⁷
- On December 4, 2007, Congress was notified of a possible sale of **upgrades and refurbishment for three used, excess defense articles (EDA) E-2C Airborne Early Warning (AEW) aircraft with radar and antennae. These upgrades/refurbishments include E2C Group II Navigation Upgrade configuration, 8 T56-A-427 Turbo Shaft engines,** Phased Maintenance Inspection, spare and repairs parts, support equipment, personnel training and training equipment, technical data and publications, tactical software and software laboratory, system software development and installation, testing of new system modifications, U.S. Government and contractor technical and logistics personnel services, and other related support elements. The estimated value of the sale, if all options are exercised, could be as high as \$437 million. Transmittal No. 08-25.⁴⁸
- On December 4, 2007, Congress was notified of a possible sale of the **PATRIOT Advanced Capability-3 Air Defense Missile System, consisting of 288**

⁴⁵ Details available at http://www.dsca.mil/PressReleases/36-b/2008/Saudi_Arabia_08-67.pdf.

⁴⁶ Details available at http://www.dsca.mil/PressReleases/36-b/2008/Saudi_Arabia_08-75.pdf.

⁴⁷ Details available at http://www.dsca.mil/PressReleases/36-b/2007/UAE_08-04.pdf.

⁴⁸ Details available at http://www.dsca.mil/PressReleases/36-b/2007/UAE_08-25.pdf.

PATRIOT Advanced Capability-3 (PAC-3) missiles, 216 Guidance Enhanced Missiles-T (GEM-T), 9 PATRIOT Fire Units that include 10 phased array radar sets, 10 Engagement Control Stations on trailers, 37 Launching Stations (4 per fire unit), 8 Antenna Mast Groups (AMG) on trailers, 8 Antenna Mast Group (AMG) Antennas for Tower Mounts, AN/GRC-245 Radios, Single Channel Ground and Airborne Radio Systems (SINGARS, Export), Multifunctional Information Distribution System/Low Volume Terminals, generators, electrical power units, trailers, communication and support equipment, publications, spare and repair parts, United States Government and contractor technical assistance, and other related elements of logistics support. The estimated value of the sale, if all options are exercised, could be as high as \$9 billion. Transmittal No. 08-17.⁴⁹

- On December 19, 2007, Congress was notified of a possible sale of various munitions and weapons and associated equipment and services. Specifically, this possible sale would include the sale of **224 AIM-120C-7 Advanced Medium Air-to-Air Missile (AMRAAM) Air Intercept Missiles, 200 GBU-31 Guided Bomb Unit (GBU) Joint Direct Attack Munition (JDAM) tail kits, 224 MK-84 2,000 pound General-Purpose Bombs (GPB), 450 GBU-24 PAVEWAY III with MK-84 2,000 pound GBU, 488 GBU-12 PAVEWAY II with MK-82 500 pound GPB, 1 M61A 20mm Vulcan Cannon with Ammunition Handling System**, containers, bomb components, spare/repair parts, publications, documentation, personnel training, training equipment, contractor technical and logistics personnel services, and other related support elements. The estimated value of the sale, if all options are exercised, could be as high as \$326 million. Transmittal No. 08-01.⁵⁰
- On September 9, 2008, Congress was notified of a possible sale of **78 complete AVENGER fire units including Vehicle Mounted Stinger Launch Platform (VMSLP) fire units; 780 STINGER-Reprogrammable Micro-Processor (RMP) Block 1 Anti-Aircraft missiles; 24 STINGER Block 1 Buy-to-Fly missiles; 78 Captive Flight Trainers, 16 AN/MPQ64-F1 SENTINEL Radars; 78 AN/VRC-92E Single Channel Ground and Airborne Radio System (SINGARS) radios; 78 Enhanced Position Location Reporting System (EPLRS) Radios; 20 Integrated Fire Control Stations, S250 Shelters on HMMWVs**, and related equipment, spare and repair parts, training and services. The estimated value of the sale, if all options are exercised, could be as high as \$737 million. Transmittal No. 08-26.⁵¹
- On September 9, 2008, Congress was notified of a possible sale of **4 PATRIOT Advanced Capability (PAC-3) Intercept Aerial Missiles with containers, 19 MIM-104D Guided Enhanced Missiles-T with containers (GEM-T), 5 Anti-Tactical Missiles, and 5 PATRIOT Digital Missiles**. According to the notification, the missiles will be used for validation and testing of the PAC-3 missiles notified for sale in Transmittal Number 08-17 (see above). The estimated

⁴⁹ Details available at http://www.dsca.mil/PressReleases/36-b/2007/UAE_08-17.pdf.

⁵⁰ Details available at http://www.dsca.mil/PressReleases/36-b/2007/UAE_08-01.pdf.

⁵¹ Details available at http://www.dsca.mil/PressReleases/36-b/2008/UAE_08-26.pdf.

value of the sale, if all options are exercised, could be as high as \$121 million. Transmittal No. 08-79.⁵²

- On September 9, 2008, Congress was notified of a possible sale of **3 Terminal High Altitude Air Defense (THAAD) Fire Units with 147 THAAD missiles, 4 THAAD Radar Sets, 6 THAAD Fire and Control Communication stations, and 9 THAAD Launchers** along with related equipment, training, and services. The estimated value of the sale, if all options are exercised, could be as high as \$6.95 billion. Transmittal No. 08-19.⁵³
- On September 9, 2008, Congress was notified of a possible sale of **288 AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM) Air Intercept Missiles, 2 Air Vehicle-Instrumented (AAVI), 144 LAU-128 Launchers, Surface Launched Advanced Medium Range Air-to-Air Missile (SL-AMRAAM) software, missile warranty, KGV-68B COMSEC chips, training missiles,** and related equipment, training, and services. The estimated value of the sale, if all options are exercised, could be as high as \$445 million. Transmittal No. 08-16.⁵⁴
- On September 9, 2008, Congress was notified of a possible sale of **14 UH-60M BLACK HAWK helicopters with engines; 6 T700-GE-701D spare engines; 14 each AN/ALQ-144A(V)3 Infrared (IR) Countermeasure Sets, AN/APR-39A(V)4 Radar Signal Detecting Sets, AAR-57(V)3 Common Missile Warning Systems, and AN/AVR-2B Laser Warning Sets; Weaponization of 23 UH-60M BLACK HAWK helicopters; 390 AGM-114N HELLFIRE missiles; 8 HELLFIRE training missiles; 30 M299 HELLFIRE launchers; 23,916 MK-66 Mod 4 2.75" Rocket Systems (over 20,000 HA23 Practice); 22 GAU-19 Gatling Gun Systems; and 93 M-134 Mini-Gun; and spare parts,** related equipment, and services. The estimated value of the sale, if all options are exercised, could be as high as \$774 million. Transmittal No. 08-66.⁵⁵

Qatar

- On July 9, 2008, Congress was notified of a possible sale of **logistics support and training for two C-17 Globemaster III aircraft and associated equipment and services.** The two C-17 Globemaster III aircraft are being procured through a Direct Commercial Sale. The estimated value of the sale, if all options are exercised, could be as high as \$400 million. Transmittal No. 08-53.⁵⁶

⁵² Details available at http://www.dsca.mil/PressReleases/36-b/2008/UAE_08-79.pdf.

⁵³ Details available at http://www.dsca.mil/PressReleases/36-b/2008/UAE_08-19.pdf.

⁵⁴ Details available at http://www.dsca.mil/PressReleases/36-b/2008/UAE_08-16.pdf.

⁵⁵ Details available at http://www.dsca.mil/PressReleases/36-b/2008/UAE_08-66.pdf.

⁵⁶ Details available at http://www.dsca.mil/PressReleases/36-b/2008/Qatar_08-53.pdf.

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