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105TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 105–304

URGING THE EXECUTIVE BRANCH TO TAKE ACTION REGARDING THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES

OCTOBER 6, 1997.—Referred to the House Calendar and ordered to be printed

Mr. GILMAN, from the Committee on International Relations, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 188]

The Committee on International Relations, to whom was referred the resolution (H. Res. 188) urging the executive branch to take action regarding the acquisition by Iran of C–802 cruise missiles, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

BACKGROUND AND PURPOSE

H. Res. 188, urging the executive branch to take action regarding the acquisition by Iran of C–802 cruise missiles, calls upon the Clinton Administration to take firm action against those responsible for providing dangerous C–802 cruise missiles to Iran. These transfers are a threat to our national security and place the safety and security of American servicemen and women stationed in the Persian Gulf theater of operations at risk. The acquisition of these sea-skimming, nearly-supersonic C–802 cruise missiles by Iran is a destabilizing development and constitutes a clear threat to peace in the region.

In addition, this transfer violates the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Gore-McCain Act) and therefore requires the President to levy sanctions against the provider of the cruise missiles—China. These transfers are continuing, with

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the situation exacerbated by the recent advent of the delivery of the C–801K air launched cruise missile. Despite the threats by Iran against U.S. forces, and to close the Gulf, to date, regrettably, the Administration has done nothing.

This resolution calls upon the executive branch to enforce the law (50 U.S.C. 1701 note) with respect to the acquisition by Iran of these cruise missiles, and to take appropriate action against China for providing these weapons.

We should all remember the tragic and deadly attack against the naval escort vessel U.S.S. *Stark* that occurred in the Persian Gulf in May, 1987. A single cruise missile slammed into the frigate and killed 37 American sailors.

Today, 15,000 members of the United States Armed Forces are stationed in the Persian Gulf area, carrying out a variety of important foreign policy objectives: enforcing economic sanctions against Iraq; protecting U.S. and European aircraft that are patrolling the no-fly zone over southern Iraq; and, maintaining open sea lanes through the Gulf. We owe it to our troops to minimize, to the extent possible, the threat they face as they conduct these important national security missions. Prohibiting rogue regimes such as Iran from acquiring advanced conventional weapons must be a high foreign policy objective for the United States.

In 1996, the China National Precision Machinery Import-Export Corporation, a state-run enterprise, delivered 60 C–802 model cruise missiles to Iran. These missiles are mounted on patrol boats for use by the Iranian Revolutionary Guard Navy. The China National Precision Machinery Import-Export Corporation markets the C–802 in its sales brochure as a missile with "mighty attack capability" and "great firepower" for use against escort vessels such as the U.S.S. *Stark*. This is the same company that supplied missile technology to Pakistan, a transaction that led the United States Government to impose economic sanctions for violating U.S. law and international non-proliferation guidelines.

In addition, China reportedly is supplying Iran with a land-based version of the C–802 cruise missile. Iran has been constructing several sites along its coastlines to accommodate Transporter-Erector-Launchers (TELs), from which the Iranian Revolutionary Guard can fire these cruise missiles at targets in both the Persian Gulf and the Gulf of Oman. The C–802 model cruise missile provides the Iranian military a weapon with greater range, accuracy, reliability, and mobility than it previously possessed and shifts the balance of power in the Gulf region.

In November 1996, Iran conducted land, sea and air war games in the Persian Gulf and the Gulf of Oman and successfully test-fired a C–802 anti-ship cruise missile from one of its patrol boats. Admiral Scott Redd, the former commander-in-chief of the United States Fifth Fleet stationed in the Gulf, said that the C–802 missiles give Iran a "360-degree threat which can come at you from basically anywhere." Deputy Assistant Secretary of State Robert Einhorn told the Senate Governmental Affairs Committee on April 11, 1997, that the C–802 cruise missiles "pose new, direct threats to deployed United States forces."

The Iran-Iraq Arms Non-Proliferation Act of 1992—Title XVI of the National Defense Authorization Act for Fiscal Year 1993—es-

tablishes United States policy to oppose any transfer to Iran of destabilizing numbers and types of advanced conventional weapons, including cruise missiles. The law requires the President to apply sanctions to "those nations and persons who assist [Iran] in acquiring weapons."

We know that China is responsible for the transfer of these cruise missiles to Iran. The President must impose the sanctions that are stipulated in the law. The failure of the President to take any action has led to the continuance of transfers, including new variations of cruise missiles which increases the threat to deployed U.S. forces.

To the Committee's dismay, the Administration has concluded that the known transfers of C–802 cruise missiles from China to Iran are not a destabilizing number and type and, therefore, require no enforcement of sanctions against China. Instead, Secretary of State Madeleine Albright told a Senate Appropriations subcommittee in May, 1997 that the Administration has "deep concerns" about the acquisition of cruise missiles by Iran and will continue to review this development. This is unacceptable. While reasonable people can disagree over what constitutes "destabilizing," there can be no argument that Iran has been engaged in a worrisome expansion of its conventional military capability, especially its navy. Iran has threatened to use its military power to close the Straits of Hormuz, disrupt international shipping, and challenge American forces active in the Gulf. The Tehran government views the United States military as an unwelcome presence in the region. Our ships have had several close encounters with the Iranian navy in the past year. Fortunately, these confrontations have remained small and contained.

As Elaine Sciolino points out in her April 20, 1997, article in "The New York Times," the potential for real conflict between the United States and Iran is significant, "when two enemy navies with vastly different military missions and governments that do not talk to each other are crowded into such a small, highly strategic body of water." The acquisition by Iran of advanced cruise missiles, like the C–802 model, must be considered a serious threat to stability, given the explosive situation that already exists. Iran's intent seems clear: to challenge the United States for predominance in the Gulf.

Thus the number of C–802 cruise missiles that Iran acquires becomes academic when considering application of the provisions of the Iran-Iraq Arms Non-Proliferation Act. Our men and women in uniform in the Persian Gulf now face a greater risk with at least sixty lethal cruise missiles targeted at them. The sailors aboard the U.S.S. *Stark* can remind us of the irreparable harm that one cruise missile can perform, let alone sixty or more.

Other considerations aside, the law requires the Administration to impose sanctions on China for its role in providing these weapons to Iran. Our inaction only provides the tacit approval that allows the Chinese to continue to provide a potential adversary with the means to harm our brave young men and women serving their country far from home in the Persian Gulf. It is time for the United States Government to deliver a crystal clear response that these

transfers are irresponsible and inimical to U.S. interests and U.S.-Sino relations.

COMMITTEE ACTION

H. Res. 188 was introduced July 17, 1997. It was then referred to the International Relations Committee for consideration. The introduction of this bill culminated several months of work on the subject of how to respond to the proliferation of destabilizing advanced conventional weapons by the government by the People's Republic of China to Iran in ways that addressed specific problems and target individual proliferators. While this measure was pending, Members and staff received briefings from, and conducted discussions with, the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, the Director of Central Intelligence's Nonproliferation Center, and the State Department.

On September 26, 1997, the International Relations Committee considered the measure, ordering it reported to the House by voice vote without amendment, a quorum being present.

COMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

The Committee adopts the cost estimate of the Congressional Budget Office, set out below, as its submission of any required information on new budget authority, new spending authority, new credit authority, or an increase or decrease in the national debt required by clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS

Preamble

Contains whereas clauses setting forth the facts and circumstances that give rise to concern about the acquisition by Iran of C–802 cruise missile from China. Among these facts and circumstances are that the China National Precision Machinery Import-Export Corporation delivered 60 C–802 cruise missiles to Iran; that 15,000 members of the United States Armed Forces are stationed within range of the C–802 missiles acquired by Iran; and that the Executive branch has concluded at present that the missiles known to have been delivered to Iran are not of a "destabilizing number and type."

First paragraph after the resolving clause

The House of Representatives finds that the delivery of cruise missiles to Iran is of a destabilizing number and type and therefore is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992.

Second paragraph after the resolving clause

The House of Representatives urges the Executive branch to enforce the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles.

DISSENTING VIEWS

H. RES. 188

This resolution finds that the delivery of Chinese cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 and urges the executive branch to enforce the law by imposing new sanctions against China, as called for in that law.

This resolution is badly flawed both substantively and procedurally. Substantively, the Committee's action on this resolution presumes to make a judgment on a serious and complex non-proliferation matter—whether or not transfers of Chinese-made C–802 cruise missiles to Iran are "destabilizing" according to the Iran-Iraq Arms Non-Proliferation Act of 1992 and therefore subject to sanction—based on a series of news articles and one short briefing from one intelligence official.

First, a determination of whether Chinese transfers of cruise missiles to Iran constitutes a violation of U.S. law is a question of great complexity, and sensitivity, requiring the input of both military experts and regional specialists in the Executive branch, as well as the judgments of our top policy officials, but no such views were requested or received. It is almost beyond belief that the Congress would render a judgment of this significance without even consulting those in the Executive branch most responsible for making this judgment.

Second, the relevant law, the Iraq-Iran Arms Non-Proliferation Act of 1992, gives the President, not the Congress, the authority to make such a determination. For the Congress to assume this authority now, as this resolution does, represents an attempt to infringe on powers the Congress gave to the Executive branch. If Congress wants to impose sanctions on China, the proper course is to send a bill to the President for his signature or veto.

Third, the Committee has had no discussion and made no assessment about the impact of a determination of violation of law on U.S. interests. Would it advance U.S. non-proliferation interests in the Gulf region if such a determination were made? No evidence was provided to demonstrate the positive benefit of such a determination.

Procedurally, the process followed by the Committee in marking up this resolution was most unfortunate.

First, the process did not reflect the way a responsible committee should operate. Members and staff were not given adequate notice to study this resolution, even though it deals with serious issues that could have a major adverse impact on the upcoming summit meeting with the Chinese President. The usual requirement of one week's notice for a mark up was reduced to barely more than 24 hours. No unusual or emergency circumstances exist that warranted waiving the customary one-week rule. No committee hear-

ings have been held on this resolution, nor were any senior Administration officials permitted to testify on the policy implications of this resolution prior to the mark up.

Second, this resolution is badly timed. It does not enhance the ability of the President to advance U.S. non-proliferation goals at the upcoming U.S.-Chinese summit, the first official U.S.-China summit in over eight years. It is counterproductive for the Committee—on the basis of hasty deliberation and inadequate consultation with the Executive branch—to condemn Chinese actions and criticize Administration policy, since this approach is unlikely to persuade the Chinese that the Congress is serious about its commitment to nonproliferation. Adoption of this resolution will make the President's job more difficult as he attempts to persuade the Chinese to halt the transfer to Iran of dangerous weapons. The Congress should be working with the President to help make the summit successful, not passing bills to put obstacles in his way, and to create the impression that the Congress is moving in one direction and the President the other in China policy.

Finally, the cumulative impact of five resolutions on China marked up and voted out of Committee as a package—plus others that are circulating and may come to the Floor simultaneously with these five—is likely to be harmful to U.S. foreign policy interests. Congress of course has every right to express its views on these important issues. Nonetheless, when this many resolutions each with a strongly anti-Chinese tilt suddenly come forward simultaneously, and only weeks before a summit meeting, it is difficult to escape the conclusion that considerations other than foreign policy are also at work here. The Chinese-American relationship will not advance if it becomes a game board for the purpose of scoring points of perceived domestic political advantage.

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