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THE PERSIAN GULF AND THE U.S. NAVAL PRESENCE:

ISSUES FOR CONGRESS

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by

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SUMMARY

The May 17 Iraqi missile attack on the U.S. frigate Stark and the July 24 mine attack on the reflagged Kuwaiti oil tanker Bridgeton have heightened congressional concern regarding the U.S. naval presence in the Persian Gulf and the Administration's plan to reflag and provide protection for 11 Kuwaiti oil tankers.

The Iran-Iraq war began in 1980. Attacks on shipping in the Gulf -- the "tanker war" -- began in 1981 and accelerated in 1984. The Administration announced the reflag-and-protect plan in late March and the first convoy -- for the Bridgeton and one other reflagged Kuwaiti ship-- began on July 22. For Congress, the issues prompted by the plan include:

Congress and the War Powers Resolution. Does the plan to protect the reflagged ships engage the War Powers Resolution? What should be the respective roles of the President and Congress in managing the U.S. presence in the Gulf?

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Feasibility and force-level requirements. Can U.S. forces effectively protect the reflagged ships? What forces will be needed to do the job properly? How much will the operation cost?

ISSUE DEFINITION

The May 17 Iraqi missile attack on the U.S. frigate Stark and the July 24 mine attack on the reflagged Kuwaiti oil tanker Bridgeton have heightened congressional concern regarding the U.S. naval presence in the Persian Gulf and the Administration's plan to reflag and provide protection for 11 Kuwaiti oil tankers. The issues for Congress include: Is the Administration's plan to reflag and protect the Kuwaiti tankers prudent? What is Congress' role in managing the U.S. presence in the Gulf? What is the risk that the plan to protect the reflagged ships will lead to escalation or direct U.S. participation in the Iran-Iraq war? To what extent can and should U.S. allies and friendly Persian Gulf states share the burden of protecting the reflagged ships?

BACKGROUND AND ANALYSIS

Background

On May 17, 1987, an Iraqi Mirage F-1 jet plane armed with two French-made Exocet anti-ship cruise missiles attacked and seriously damaged the U.S. Navy guided missile frigate Stark, which was on patrol in the Persian Gulf about 70 miles northeast of Bahrain, killing 37 of the Stark's crew. The attack on the Stark occurred as the Administration was moving forward with a controversial plan, announced in late March amid increasing concern for the safety of commercial shipping in the Gulf, to "reflag" (transfer to the U.S. flag) 11 of Kuwait's 22 government-operated oil tankers and provide U.S. Navy escorts for them.

The U.S. and Iraqi governments said the attack on the Stark was an accident. Even so, the attack heightened concerns that had already been voiced about the risk that the escort plan would lead to more direct U.S. involvement in the Iran-Iraq war. These concerns were further intensified when the oil tanker Bridgeton -- one of two reflagged Kuwaiti ships taking part in the first convoy under the Administration's plan -- struck and was damaged by a large, moored contact mine on July 24 about 18 miles west of Iran's Farsi Island. The mine was one of several in a subsequently discovered mine field thought to have been laid by Iran, which has used Farsi Island as a base for small-boat attacks against Gulf shipping, and which knew that these waters were part of a deep-draft shipping channel used by large ships steaming to or from Kuwait's oil terminals.

The Persian Gulf "Tanker War"

The Iran-Iraq war began in September 1980. (For more on the Iran-Iraq war in general, see CRS Issue Brief 84016, The Iran-Iraq War: Implications for U.S. Policy.) Iran destroyed Iraq's oil terminals at the outset of the war. In May 1981, Iraq began attacking merchant ships steaming to or from Iranian ports in the extreme northern end of the Gulf.

In March 1984, Iraq increased the frequency of its attacks (see table 1) and expanded their scope by attacking ships steaming to or from the more southerly Iranian oil terminal at Kharg Island. In May 1984, the

Iranians responded by initiating their own attacks on ships steaming to and from ports in Kuwait and Saudi Arabia -- countries which provide financial support for the Iraqi war effort and allow their ports to accept goods for overland transport to Iraq.

In 1984, as the tanker war began to intensify, the United States began to reemphasize that it was determined to keep open the Gulf's shipping lanes and that it was considering supplying U.S. naval escorts for U.S.-flag ships.

Table 1
Attacks on Ships in the Persian Gulf a/

<u>Year</u>	<u>Number of ships attacked</u>	
	<u>by Iraq</u>	<u>by Iran</u>
1981	5	0
1982	22	0
1983	16	0
1984	53	18
1985	33	14
1986	66	41
1987 <u>b/</u>	24	22

a/ Source: New York Times, May 22, 1987: A10 (from Lloyd's Shipping Intelligence Unit). Figures compiled by other sources differ considerably.

b/ Data through March.

In September 1985, Iranian naval units began to stop numerous merchant ships of various flags in the Persian Gulf and Gulf of Oman, and search them for war materiel bound for Iraq. In October, an attempt to board a French merchant ship was thwarted by a nearby French warship.

In January 1986, a British merchant ship and a U.S. merchant ship were stopped and searched. In May, an attempt to board another U.S.-flag ship was thwarted by a U.S. warship. In August, Iran stopped, searched, and diverted a Soviet arms-carrying merchant ship to the Iranian port of Bandar Abbas, where it was detained for about a day. In September, the Soviets responded by sending a Soviet Navy warship into the Gulf for a prolonged patrol for the first time. That same month, according to the Administration, Iran began to single out Kuwaiti ships for attack and otherwise attempt to isolate and put pressure on Kuwait.

In mid-March 1987, it was reported that Iran had obtained shore-based Chinese-made HY-2 "Silkworm" anti-ship cruise missiles, and had constructed launch sites at several points on the Iranian side of the Strait of Hormuz. One of the missiles was flight-tested in February. With a range of about 50 miles, a very large (1,100-pound) warhead, and a sea-skimming capability, the Silkworm missile was seen as posing a major new threat to Gulf shipping.

The U.S. Plan to Protect Reflagged Kuwaiti Ships

According to Assistant Secretary of State Richard W. Murphy, the Kuwaitis first approached the Soviet Union about protecting Kuwait's seagoing trade in mid-November 1986, a few weeks before they first approached the United States. (The Kuwaitis also eventually approached Britain, France, China, and other countries.) Murphy said "it was not coincidental" that the Kuwaitis first went to the Soviets at that time, just after the public revelation of U.S. arms sales to Iran.

In December 1986, according to the Administration, the government-owned Kuwait Oil Tanker Co. (KOTC) first approached the U.S. Coast Guard for information on reflagging. The Coast Guard responded, and in January 1987, the Kuwait government asked the U.S. Embassy if reflagged Kuwaiti ships would receive U.S. naval protection. At the same time, the United States learned that Kuwait was considering a similar Soviet offer of help. At the end of January, the United States informed Kuwait that it could either place its ships under the U.S. flag or charter U.S. ships.

Kuwait began considering a plan to place five of its vessels under the Soviet flag, and six under the U.S. flag. In late February, Iran successfully test-fired a Silkworm missile at Qeshm Island in the Strait of Hormuz, and the United States learned that the Soviets had agreed to reflag and protect five Kuwaiti tankers.

On Mar. 7, 1987, the United States, seeking to exclude the Soviets from any protection arrangement, offered to protect all 11 of the ships in question. Three days later, according to the Administration, Kuwait informally indicated that it would accept the U.S. offer. Soon thereafter, consultations with Congress began, and on Mar. 23, the U.S. offer to Kuwait was announced to the public. At the end of March, it was reported that Kuwait had agreed in principle to charter three Soviet tankers. On Apr. 2, Kuwait transmitted its formal acceptance of the U.S. offer. The chartering of the three Soviet ships began in early May.

According to the Administration, reflagging is governed by the Vessel Documentation Act of 1980 (46 U.S.C. 121). To qualify for the U.S. flag under the Act, the ships must be U.S.-owned, meet U.S. safety and inspection standards, and have a U.S. master (a regulation requiring a 75% U.S.-citizen crew applies only to ships serving U.S. ports).

The 11 Kuwaiti ships were sold to the Delaware-based firm Chesapeake Shipping Inc., whose chief executive officer, chairman of the board, and a majority of the board of directors are U.S. citizens, as required. (The stock of the company, however, is controlled by Kuwait.) The Coast Guard began the required safety inspections in Kuwait on May 12, and two days later, the Defense Department authorized one- and two-year waivers for certain U.S. standards in excess of international standards that the Kuwaiti ships could not immediately satisfy. The ships will be given U.S. masters.

The Coast Guard inspection process was completed in June. The first two of the 11 ships -- the Bridgeton and the Gas Prince -- were reflagged

on July 21, and the first convoy, involving these two vessels and three U.S. warships, began on July 22.

Prior to the mine attack on the Bridgeton, the second convoy was reportedly planned for August 6, with another two by the end of August. An eventual rate of five or six convoys a month was reportedly envisioned. The mine attack on the Bridgeton, however, led to a change in these plans, at least over the short run.

The U.S. Navy's Middle East Force

In 1949, the United States established a naval presence in the Persian Gulf -- the Middle East Force (MEF) -- for purposes of naval diplomacy, regional deterrence, and limited crisis response. The MEF is a small flotilla that in recent years has typically contained three to five frigates and destroyers. It is led by the lightly armed command ship La Salle, a converted amphibious dock ship, and operates out of Bahrain, where the United States has limited port privilege.

Since 1984, the MEF has escorted the four to ten U.S.-flag merchant ships that on average enter and leave the Gulf each month. On the day the Stark was attacked, the MEF consisted of the La Salle, three guided missile frigates (including the Stark) and three older guided missile destroyers. It has since been enlarged. The MEF is supported by the U.S. naval presence in the Indian Ocean, which usually consists of an aircraft carrier battle group.

The Importance of Persian Gulf Oil

U.S. dependence on Persian Gulf oil is lower now than what it was in the 1970s, and, as table 2 shows, is much lower than that of Western Europe and Japan. All the same, U.S. dependence on Persian Gulf oil has been increasing in recent years and is projected by some to increase further, and Persian Gulf oil remains critical to the health of the Western economies as a group. The Reagan Administration has emphasized its determination to keep open the Persian Gulf shipping lanes, and has not repudiated the Carter doctrine, which declared the area to be a vital interest that the United States would defend from internal or external aggression, by force if necessary.

Analysis: Key Issues

Congress and the War Powers Resolution

One of the main decisions for Congress concerning the U.S. presence in the Persian Gulf is whether to invoke the War Powers Resolution or participate in shaping policy in other ways. The Administration has said it would fully consult with, and report to, Congress on the Persian Gulf situation, but opposes application of the War Powers Resolution. There is bipartisan support for full consultation of Congress by the Administration, but considerable disagreement on whether to invoke the War Powers Resolution, as Congress did in the Multinational Force in Lebanon Resolution.

Table 2
Dependency on Persian Gulf Oil a/

	Oil con- sumption <u>b/</u>	Total oil imports <u>b/</u>	Imports from Per- sian Gulf <u>b/</u>	Imports from PG as % of oil consumption	Imports from PG as % of oil imports
U.S.	16.1	6.1	0.9	6 %	15 %
W. Europe <u>c/</u>	12.0	9.3	3.5	29 %	38 %
Japan	4.4	4.2	2.4	55 %	57 % <u>a/</u>

a/ Source: For consumption: U.S. Department of Energy. Monthly Energy Review, January 1987. Table 10.2, p. 113. (Data for 1986.) For imports: U.S. Central Intelligence Agency. International Energy Statistical Review, preliminary figures provided by the Agency. Persian Gulf includes Bahrain, Iran, Iraq, Kuwait, Qatar, Saudi Arabia, and United Arab Emirates.

b/ Millions of barrels per day.

c/ Includes Austria, Belgium, Denmark, Finland, France, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, and West Germany.

Application of the War Powers Resolution hinges on whether the Persian Gulf area constitutes a situation of hostilities or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances." In such situations, section 3 of the War Powers Resolution requires the President to consult in advance with Congress, and section 4 (a)(1) requires him to report to Congress within 48 hours. Section 5 (c) provides that within 60 days after a report under section 4 (a)(1) is submitted "or is required to be submitted," whichever is earlier, the President shall terminate any use of armed forces unless Congress has declared war or enacted a specific statutory authorization or extended the time period.

After the Iraqi missile attack on the Stark, President Reagan decided against submitting a report under the War Powers Resolution, although he said informal consultations or briefings with Congress would occur. Nevertheless, a report similar in nature to previous reports filed under the War Powers Resolution was submitted by Secretary of State Shultz on May 20, 1987, to the Speaker of the House and Vice President Bush. Under the War Powers Resolution, the report is supposed to be submitted by the President to the Speaker of the House and the President pro tem of the Senate.

The report stated that the United States had maintained a naval presence in the Persian Gulf for nearly 40 years pursuant to the authority of the President as Commander-in-Chief, and that Congress had been "fully and repeatedly advised of our policy." It stated that prior to the Stark

incident, no U.S.-flag vessel had been the object of any attack and that, although naval forces in the area had been instructed to maintain a higher state of alert, there was no reason to believe that further hostile action will occur. The report said the continued presence of U.S. ships in the area did not place them in a situation of imminent hostilities "although we are mindful of recent Iranian statements threatening United States and other ships under protection." Finally, the Secretary pledged to keep Congress fully informed.

An issue of some consequence to Congress is whether it wants to pass legislation finding that a report under the War Powers Resolution has been submitted or "was required to be submitted" under section 4 (a)(1). Legislation to this effect has been introduced. This would trigger the 60-90 day durational limit for U.S. forces to remain in the Gulf unless Congress authorized the forces to remain, as it did in the Multinational Force in Lebanon Resolution (P.L. 98-119, approved Oct. 12, 1983).

Another option is for Congress to seek a policymaking role without using the War Powers Resolution. From one point of view, the important issue is congressional participation, not the mechanism. From another point of view, failing to use the War Powers Resolution mechanism could weaken it, and by not invoking it Congress might later find itself without a method (other than its traditional powers of purse and lawmaking) to end the use of U.S. forces in the Persian Gulf, should it decide to do so. Still another point of view is that, whatever mechanism Congress uses, the threat of the War Powers Resolution in the background provides more leverage to Congress than it would otherwise have, particularly in light of certain unresolved constitutional questions. (For additional information, see CRS Issue Brief 81050, War Powers Resolution: Presidential Compliance.)

Regional Reaction and the Potential for Escalation

Several Members of Congress have expressed concern over the possibility that the Administration's reflag-and-protect plan will provoke Iran, lead to an escalation in the hostilities, and involve the United States more directly in the Iran-Iraq war. Iran has a vital interest in keeping Gulf sea lanes open in order to export its oil, and to date has meticulously avoided openly attacking U.S. merchant or Navy ships. (Iran is widely thought to have laid the mine that struck the Bridgeton, but Iran did not claim responsibility for the attack and proving Iranian culpability in such an attack is difficult if not impossible.) Iran has served notice, however, that if its capability to export oil is substantially denied, Gulf sea lanes will be safe for no one. Some have argued that the Administration's plan to reflag and protect the Kuwaiti ships could be interpreted by Iran as a provocation or as a significant "tilt" toward Iraq -- a breach of neutrality -- requiring retaliatory measures.

In mid-July, it was reported that the speaker of the Iranian parliament had threatened that Iran will attack U.S. ships in the Gulf. He was quoted as saying, "we would point part of our artillery at the Yankees and take American captives with their hands on their heads to camps with humiliation." He also issued a threat against Gulf states that

put their "bases or ports at the disposal of the U.S." Other Iranian officials have since issued similar statements of hostility. It was also reported in mid-July that Iran had moved several F-14 and F-4 fighter planes to its naval base at Bandor Abbas on the Strait of Hormuz, and had used 6 of the F-4s to carry out intercept and aerial-combat exercises over the waters of the Strait.

Concern has been expressed over the fact that defending the ships may require shooting at Iranian aircraft or attack boats, or that, in the wake of an Iranian attack, U.S. forces may launch retaliatory strikes against Iranian naval bases, air bases, missile bases, or other targets. There was a report (since denied by Administration spokesmen) that the United States was considering preemptive strikes against Iran's Silkworm missile sites or possibly other targets. (The Administration did announce, however, that it would attack Silkworm missile sites if those sites showed evidence of hostile intent, such as turning on their missile guidance radars.) If U.S. naval forces attempt to warn off Iranian naval forces attempting to stop and search one of the reflagged ships, and the Iranians do not back down, it could lead to a direct U.S.-Iranian naval confrontation.

From the beginning of the Iran-Iraq conflict, the United States has officially maintained a neutral stance in the war. Since 1983, however, the Administration has moved toward closer relations with Iraq following its conclusion that vital U.S. interests in the Gulf region would not be served by an Iranian victory. The resumption of diplomatic relations with Iraq in November 1984 was officially described as reflecting no change of U.S. neutrality, but some contended that it represented a departure from previous policy. With the November 1986 disclosure of U.S. arms sales to Iran, many argued that the U.S. position of neutrality had been violated to Iranian benefit.

The Administration contends that escorting reflagged Kuwaiti ships does not violate U.S. neutrality because Kuwait is not a belligerent in the Iran-Iraq war, and that the United States is simply pursuing the neutral goal of preserving the freedom of navigation. Others argue that the escort plan compromises U.S. neutrality, because the ships being protected serve the trade of a country that supports the Iraqi war effort, while ships bound for Iran are left open to Iraqi attack. Some argue that a multinational force for keeping the sea lanes open, particularly one under U.N. auspices, is a preferable alternative and in keeping with U.S. neutrality.

While the Gulf Arab states share several economic, political, and security goals with the United States, events in recent years have raised doubts among these states about the ability or willingness of Washington to assist them, politically and militarily. To them, signals received from Washington have on occasion been contradictory, disturbing, and confusing. U.S. policy in Lebanon in 1983-1984, the stagnated Arab-Israeli peace process, failed Administration efforts to furnish U.S. weapons systems to moderate Arab states, and the arms sales to Iran have all raised questions concerning the credibility of U.S. policy in the region and of the idea of a U.S. security umbrella. The Gulf states are

aware, however, that the United States remains the Western country most capable of significant power projection in the region.

Since 1984, Administration statements have appeared to distinguish between maintaining freedom of navigation in the Gulf and maintaining the territorial and political integrity of the Gulf states. For Gulf Arab leaders, such a distinction is not completely reassuring. They also question whether there is support in the United States for a long-term commitment of increased U.S. forces in the Gulf. They are concerned that the United States will implement the protection plan, provoke both increased tensions in the Gulf and an increased Soviet naval presence, and then withdraw from the commitment and leave the Gulf states in a more dangerous situation than before.

Burden-Sharing With U.S. Allies and Friendly Persian Gulf States

Several Members of Congress have expressed interest in the idea of having U.S. allies and friendly Persian Gulf states contribute in some way to the effort to protect the reflagged ships. This interest derives in large part from the fact that the allies depend on Persian Gulf oil more than does the United States, and because the Persian Gulf states depend on the free flow of their oil through the Gulf to generate much of their national income. Three main forms of contribution have been mentioned: military participation (particularly in minesweeping operations, in the wake of the mine attack on the Bridgeton), financial support to help defray the costs of the effort, and diplomatic/political support. Some Members have suggested that a sharing of the burden can be achieved through the establishment of an international force under U.N. auspices.

The United States and its European and Asian allies have no formal arrangements for concerted action either to protect shipping or to undertake military actions against another nation's territory in the Persian Gulf. The Administration has said, however, that it is conducting informal discussions with U.S. allies and friendly Persian Gulf states on a variety of burden-sharing possibilities.

NATO allies and Japan. The Persian Gulf is outside the NATO Treaty area, and NATO members have no treaty obligation to join U.S. forces in protecting Gulf sea lanes. At a meeting of NATO defense ministers on May 26-27, 1987, member states informed Secretary of Defense Weinberger that they would not engage in a joint military mission with the United States and the Persian Gulf. The final communique of the subsequent 7-nation western economic summit in Venice contained a supportive but non-committal passage on the Gulf. There is reportedly a widespread reluctance in Europe to join in the reflag-and-protect plan because Europeans see it as an open-ended military commitment that holds little promise for reducing tensions and increases the risk of overseas terrorism.

Nevertheless, several NATO states have individually assumed military responsibilities in the Persian Gulf or have offered to do so. Britain ended its permanent naval presence east of the Suez canal in the early 1970s. Since October 1980, however, Britain has maintained a two- or three-ship "armilla" in the Gulf and the Indian Ocean that has accompanied well over 100 British-flag ships traveling in the southern half of the

Gulf since the beginning of the year. British seconded officers play a major role in the training and organization of Oman's military forces, and the port in Bahrain out of which the U.S. Middle East Force operates is a former British facility. On July 31, Britain announced that it had turned down a U.S. request to send some of its minesweepers to the Gulf to aid U.S. forces in clearing mines, saying that such a step would contribute to regional tensions.

France maintains a standing military presence in the Indian Ocean that includes 4,000 men and several squadrons of Mirage fighter-bombers at its base in Djibouti on the Gulf of Aden, and a varying number of warships that operate out of Djibouti and the Indian Ocean island of Reunion. At the end of July, France dispatched the aircraft carrier Clemenceau, two frigates and one support ship to the Middle East and the Gulf, but said the Clemenceau won't enter the Gulf itself. French warships will now make two patrols of the Gulf each month, instead of one, and will "accompany" French-flag ships into the Gulf on a case-by-case basis. The French warships, however, are not to provide a direct "escort". No French minesweepers are near to, or enroute to, the Gulf.

Although Britain and France reject any formal joint military operations with the United States in the Persian Gulf, the three nations reportedly share intelligence information pertinent to the region, and their ships communicate with one another on a regular basis.

On May 31, 1987, the Dutch government offered to send warships to the Gulf if conditions worsened. On July 31, however, the Dutch turned down a U.S. request to send some of their minesweepers to the Gulf to aid U.S. forces, saying that Dutch forces would be sent only as part of a U.N. peacekeeping force. West Germany's constitution forbids the use of its armed forces outside NATO territory but reportedly has periodically deployed a few ships to the Indian Ocean area in the past on short training cruises. Citing its constitution, West Germany on July 29 turned down a U.S. request to send some of its minesweepers to the Gulf to aid U.S. forces. Italy's navy has minesweepers and some guided missile ships with a capability equivalent to that of some older U.S. Navy guided missile ships, but has no recent experience operating naval forces inside the Gulf and would require logistics support to maintain forces there.

Japan's constitution requires that its armed forces be used only for self-defense, and this is almost universally interpreted as prohibiting the use of Japan's naval forces outside its home waters. The Japanese have hinted at a possible financial or other non-military contribution, the details of which remain to be clarified.

Friendly Persian Gulf States. All the Gulf states friendly to the United States allow visits by U.S. ships and deny port facilities to the Soviets. Bahrain provides limited docking and warehouse facilities to U.S. and British naval forces operating in the Gulf. Since 1980, the United States has also had a limited air-base access agreement with Oman that allows U.S. P-3 Orion maritime patrol aircraft to use an Omani base as a landing and refueling point. The agreement also allows access to Omani air bases in contingencies, but only with the permission of the Omani government, which is to be decided on a case-by-case basis.

Since 1980, the United States has operated four Airborne Warning and Control System (AWACS) aircraft and two accompanying tanker planes out of an air base near Riyadh, Saudi Arabia to maintain a surveillance patrol over the northern half of the Gulf. The planes are routinely protected by Saudi F-15 fighters. The United States is also training the Saudis in the use of their own recently delivered five AWACS planes and eight accompanying tankers.

In late June, the Administration announced that the Saudis had agreed in principle to the idea of using their own AWACS planes, escorted by their own F-15 fighters, to maintain a surveillance patrol over the southern half of the Gulf (where most of Iran's attacks and boardings have taken place). The Saudis have reportedly agreed to continue their minesweeping operations in Kuwaiti waters, but have turned down U.S. requests to send their minesweepers into the international waters of the Gulf and to provide land bases for U.S. minesweeping helicopters.

In early July, Secretary of Defense Weinberger stated that Kuwait had agreed to provide oil for U.S. naval forces in the region. Kuwait has turned down, however, a U.S. request to provide land bases for U.S. minesweeping helicopters. It has also declined to aid in minesweeping operations outside its territorial waters. In mid-July an Administration official said that the United Arab Emirates had agreed to allow overflights by U.S. aircraft, including AWACS planes.

The Soviet Role and Reaction

The Administration's offer to reflag-and-protect Kuwait's tankers appears to have been prompted in substantial part by a desire to prevent an enlarged Soviet naval presence in the Gulf and the increased political influence it would bring. In explaining and defending the reflag-and-protect plan, several Administration officials, including the President and the Secretaries of State and Defense, have made reference to this objective.

The Soviets have sought for years -- with little success until recently -- to increase their influence among the conservative Arab Gulf states, especially Saudi Arabia. In 1962, Kuwait became the first of these states to open diplomatic relations with the Soviet Union. It has since appeared to maintain an even-handed policy toward the two superpowers. It wasn't until late 1985 that Oman and the United Arab Emirates followed Kuwait and established formal relations with Moscow. Saudi Arabia has yet to do so. These conservative kingdoms are hostile to communism and suspicious of Soviet support for radical regimes and movements in the region. On the other hand, they share Moscow's desire to prevent an Iranian victory over Iraq, as well as Soviet general opposition to Israel.

The recent Soviet-Kuwaiti charter agreement legitimizes a Soviet role in the Persian Gulf, particularly because the agreement allows Soviet naval escorts for the chartered ships. It also reinforces Moscow's support for Iraq.

The Soviets have not historically maintained a standing naval presence in the Persian Gulf. Prior to 1986, Soviet naval vessels were not regularly deployed there, although units of the Soviet Navy Indian Ocean squadron (established in the late 1960s) periodically entered the Gulf. Since late 1986, the Soviets have kept one or sometimes two frigates in the Gulf.

In May 1987, two Soviet merchant ships were damaged in the Persian Gulf by Iranian action. One of the ships was escorted by a Soviet frigate when it struck a mine; the other was damaged by rocket and machine-gun fire from several small vessels reportedly manned by Iranian Revolutionary Guards. The Soviet reaction to these events was relatively restrained, limited at first to verbal protests. In late May, three Soviet mine sweepers joined the two frigates patrolling the Gulf. A Soviet Foreign Ministry official, however, has warned that Moscow would respond to future attacks with "all means available," adding that "Iran must understand what we are saying and understand it clearly."

Until now, U.S.-Soviet rivalry in the Gulf has been political, rather than military. The U.S. naval presence in the Gulf remains substantially larger than the Soviet presence, and the United States has the means to maintain that advantage. The Administration's new policy, however, has prompted concerns about superpower competition in the region. Some have argued that an expanded U.S. naval presence in the Gulf could lead to a potentially dangerous escalation of the naval presence of both superpowers in the Gulf. Such a development might undercut the U.S. objective of limiting Soviet influence in the region.

Another option would be to cooperate with the Soviets in protecting Gulf shipping, perhaps as part of a larger multilateral effort under U.N. auspices. This option, however, might also undercut the objective of limiting Soviet influence in the region, because it could imply acceptance of an expanded, permanent Soviet naval presence in the Gulf.

Feasibility and Force-Level Requirements

Prior to the mine attack on the *Bridgeton* doubts were expressed over the ability of U.S. forces to protect effectively the reflagged ships, given: the proximity of land bases from which attacks can be launched; the difficulty of providing air cover from aircraft carriers operating outside the Gulf; peacetime rules of engagement; the crowded traffic of the Gulf; and the various forms of attack, including mines and small boats, which the Navy ships would have to defeat. In the wake of the mine attack, including admissions from on-scene U.S. Navy commanders that they had little capability to counter mines, many of these doubts have been reinforced.

Prior to the mine attack on the *Bridgeton*, the Administration believed a naval force of nine combatants supported by Airborne Warning and Control System (AWACS) aircraft flying out of Saudi Arabia and possibly carrier-based aircraft would be sufficient to protect effectively the 11 reflagged ships (and other U.S.-flag ships). Assembling the reflagged ships into convoys means that carrier-based air cover, if required, would only have to be provided on a periodic basis. In

mid-July, the Middle East Force had nine combatants. (The Stark was replaced by a guided missile cruiser and three more combatants -- a modern guided missile destroyer and two more Oliver Hazard Perry-class guided missile frigates -- joined the MEF in early July). Another three combatants -- two guided missile cruisers and a guided missile frigate -- were reportedly enroute to the area, perhaps as one-for-one replacements for three of the combatants now in the MEF.

In the two weeks leading up to the mine attack on the Bridgeton, an 18-man U.S. mine-disposal team operating from small boats, and in conjunction with Kuwaiti helicopters and Saudi minesweepers, located and either cleared or destroyed about 10 mines in a stretch of water fairly close to Kuwait. Four merchant ships had struck mines in that area in previous months. Having cleared this area, it was thought that the mine threat had been minimized. The mine field encountered by the Bridgeton was further out in the Gulf. It evidently came as a surprise to U.S. planners, even though it was known that deep-draft ships like the Bridgeton had to transit the area to take advantage of its deep-draft shipping channels, and even though it was fairly close to Iran's Farsi Island, from which Iranian speed-boat attacks had been launched against Gulf shipping. The evidently unanticipated nature of the mine attack and the scarcity of on-scene of U.S. mine-clearing equipment were widely seen as having embarrassed the Navy and the Administration.

Following the attack on the Bridgeton, the Administration dispatched 8 of the Navy's 23 Sea Stallion mine-sweeping helicopters and supporting personnel via cargo planes to the Navy's Indian-Ocean island base at Diego Garcia. Upon arrival, they are to be loaded onto the U.S. Navy amphibious assault ship Guadalcanal, which transited the Suez canal en route to the region in mid-July and had been exercising with U.S. forces in the Northern Arabian Sea. The Guadalcanal will then steam into the Gulf as the operating base for the helicopters. Another U.S. mine-hunting team may be dispatched to the Gulf to work with the helicopters. The helicopters are to begin operating in the Gulf by about August 10. It was also reported that several of the Navy's own minesweeping ships are to be loaded onto a larger ship at Charleston and sent to the Gulf. They will reportedly arrive in September.

The Administration asked Kuwait and Saudi Arabia to make available land bases for the helicopters. It also asked NATO allies to dispatch some of their mine-sweeping vessels. These requests, however, have been turned down (see section on BURDEN-SHARING).

It was also reported that the Administration had decided to send a group containing the modernized battleship Missouri and three to six escorts to the Indian Ocean/Northern Arabian Sea area to supplement the aircraft carrier battlegroup (led by the carrier Constellation) currently on station there. One of the Missouri's escorts was reportedly an Aegis-equipped Ticonderoga-class guided missile cruiser. The formation was reportedly to reach the area in August, but the Administration had reportedly not yet decided on whether to send the Missouri group intermittently into the Gulf itself.

LEGISLATION

On May 21, 1987, the Senate passed, 91-5, an amendment to the FY87 Supplemental Appropriations bill (H.R. 1827; now P.L. 100-71) sponsored by Senators Byrd, Dole, Sasser, and Murkowski requiring the Secretary of Defense to submit a report on the Administration's plans in the Gulf prior to implementing any agreement to protect Kuwaiti ships. On June 2, 1987, the House passed, 302-105, a bill (H.R. 2533) sponsored by Representative Foley requiring a similar report on security arrangements in the Gulf prior to implementing any such agreement. (A report was submitted by the Secretary of Defense on June 15, 1987; see FOR ADDITIONAL READING.)

On July 8, 1987, the House rejected, 126-283, an amendment to the FY88 Coast Guard Authorization bill (H.R. 2342) sponsored by Representative Bennett (and previously introduced in a similar form by the Representative as a separate bill, H.R. 2635) that would prohibit agreements with Gulf countries to register their ships under the U.S. flag, or the use of funds to implement such agreements, unless the Soviets enter into an agreement with any Gulf country to allow a ship to operate under their flag. The House then passed, 222-184, an amendment to H.R. 2342 sponsored by Representatives Lowry, Roth, and Fascell to delay the reflag-and-protect plan for 90 days while alternative ways for protecting Gulf shipping are considered.

On July 9, 1987, the Senate did not invoke, 56-42, a cloture motion filed by Senator Byrd to end debate on a nonbinding sense-of-the-Congress amendment to the Omnibus Trade and Competitiveness Act (S. 1420) sponsored by Senator Moynihan that would urge a delay in implementing the reflag-and-protect plan while assistance is sought from the United Nations or from other major importers of Gulf oil in ending the Iran-Iraq war and protecting Gulf shipping. On a procedural vote, the Senate then voted 57-42 to keep alive, but not pass, an amendment to S. 1420 offered by Senators Bumpers and Hatfield that would delay the implementation of the reflag-and-protect plan for 90 days. On July 14, the Senate for a second time did not invoke, 53-40, a cloture motion to end debate on the Moynihan amendment. On July 15, the Senate did not invoke, 54-44, a cloture motion to end debate on the Bumpers-Hatfield amendment. It then passed, 82-16, an amendment sponsored by Senator Dole that would allow the President to impose a total trade embargo against Iran if it launches or appears about to launch "a purposeful attack in the Strait of Hormuz utilizing Silkworm missiles" or against any gulf state that carries out a "purposeful military or terrorist attack on U.S. vessels, facilities or personnel in the Persian Gulf region." The amendment also urges the President to "use all available appropriate leverage to persuade all nations to desist from further transfers of offensive weaponry, such as Silkworm missiles, to any belligerent nation in the Persian Gulf region." On July 21, the Senate passed by voice vote an amendment sponsored by Senator Murkowski expressing the sense of the Senate that the President should pursue alternatives to the reflagging of Kuwaiti vessels, including the leasing or chartering to Kuwaiti of vessels of the U.S.-flag tanker fleet, as a means of accomplishing U.S. objectives in the Gulf.

Following the mine attack on the Bridgeton, Senators Bumpers, Hatfield, Adams, and Murkowski introduced legislation (S. 1546) that would

allow the reflag-and-protect plan to go ahead unimpeded for six months after enactment, but then terminate it unless the President certifies to Congress within 40 days of the end of this period that the operation is in the national interest and Congress passes a resolution approving it. A variety of additional measures, which may be offered as amendments to other bills, have been introduced, including H.R. 2571 (Lantos); H.R. 2645 (Davis of Illinois); H.R. 2661 (Biaggi); H.R. 2680 (Schroeder); H.R. 2838 (Bentley); H.Con.Res. 137 (Snowe); H.J.Res. 295 (Gonzalez); H.J.Res. 310 (DeFazio); H.Res. 194 (Downey); S. 1327 (Pell); and S. 1343 (Hatfield).

FOR ADDITIONAL READING

Nunn, Sam. Report to the Majority Leader. Washington, 1987. 13 p. (With cover letter to Senator Robert C. Byrd dated June 29, 1987. This report, in response to a request by Senator Byrd, provides Senator Nunn's views on Secretary Weinberger's report (cited below))

Phillips, James A. High stakes for the U.S. in the Persian Gulf. Washington, the Heritage Foundation, 1987. 11 p. (Heritage Foundation Backgrounder No. 594, July 20, 1987)

Shultz, George P. Letter to Speaker of the House Wright and Vice President Bush, May 20, 1987. 2 p. (This is the short "report" of May 20 referred to in the "Congress and the War Powers Resolution" section of this issue brief.)

U.S. Congress. House. Committee on Armed Services. Report on the staff investigation into the Iraqi attack on the USS Stark. Washington, U.S. Govt. Print. Off., 1987. 25 p. (June 14, 1987)

U.S. Congress. House. Democratic Study Group. Special report: the Persian Gulf controversy. Washington, 1987. 32 p. (Report no. 100-9. June 9, 1987. Contains a chronology of events)

----- Special report: Persian Gulf update. Washington, 1987. 10 p. (Report no. 100-10. July 7, 1987.)

Weinberger, Caspar W. A report to the Congress on security arrangements in the Persian Gulf. Washington, 1987. 30 p. (June 15, 1987; includes a chronology of events)