



United States Department of State

Washington, D.C. 20520

The Honorable
Eliot E. Engel, Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

AUG 17 2020

Dear Mr. Chairman:

Thank you for your August 14, 2020 letter regarding the group of arms sales to key partners in the Gulf region that successfully promoted U.S. national security and were subject to the Secretary's May 2019 certification that an emergency existed under section 36 of the Arms Export Control Act (AECA). I appreciate the opportunity to respond in writing since you declined both the Department's offer on July 16 for me and several other senior Department officials to brief you and your members on the Inspector General's (IG) report and the Department's subsequent offer for me to appear in an open, on the record hearing with your Committee on August 13, the day before you sent your letter to me.

Contrary to your most recent assertion that the report's details indicate an abuse of authority, the IG report, which you requested, concluded the Secretary's "emergency certification was properly executed" and "complied with the requirements" of the AECA. As referenced in the report, it has been used a number of times by both Democrat and Republican administrations since 1979. As you know, Congress also had opportunity to stop these sales by legislative action, but Congress did not override the President's veto on any of the related resolutions of disapproval.

Developments since the certifications demonstrate the Administration is on the right side of history in advancing these critical arms sales to Saudi Arabia, the United Arab Emirates (UAE), and Jordan. Since the Administration's action to proceed with these \$8 billion in sales, Iran and proxy forces it supports continued to threaten not only U.S. partners, but have also directly targeted U.S. personnel and military forces in the region. As Secretary Pompeo has said, Iran will spread even greater chaos and destruction now that the United Nations Security Council has opened the way to allow the existing arms embargo on Iran to expire on October 18. Meanwhile, one of the countries who received arms pursuant to this emergency, the UAE, made history when it announced last week that it would establish full normalization of relations with the State of Israel, our closest ally in the region. In this vein, let me thank you for recently supporting \$154 million in new sales to the UAE. Although the deadline for review under the agreed informal tiered review process was in December 2019, the Department appreciates your taking the time last week to support this case for a critical U.S. partner in the region.

With respect to my testimony before the House Foreign Affairs Committee on June 14, 2019, I welcome the opportunity to clarify for you my full testimony about the Department's position on this matter, which was not captured in your letter to me. Both my opening statement and statement for the record for the June 14 hearing summarized the factual basis for the emergency,

as reflected in the Secretary's certification submitted to Congress. The accompanying justification is very clear in describing a series of actions dating back weeks, months, and years, as well as the danger posed by more recent and threatened Iranian actions, to explain the nature of the emergency found by the Secretary to exist on May 24, 2019, and which justified moving forward with these sales. As such, any response I provided to Members' questions, including Representative Levin's, during that hearing must be understood in the context of these statements, all of which are part of the public record and my complete testimony before Congress.

The justification for Secretary Pompeo's certification identified a long list of factors, including:

- Iranian actions in Iraq, dating back years, led to the deaths of over 600 U.S. service personnel;
- Houthi actions in Yemen, dating back years, caused an ongoing civil war in that country that had led to the death and displacement of thousands of Yemenis, created a regional security crisis, and led the legitimate Yemeni Government to request the support of Saudi Arabia and others to end the conflict and assist the legitimate government;
- Iranian support to the Houthis in Yemen, dating back years, that has prolonged the conflict and thwarted international efforts to peacefully resolve the ongoing conflict in Yemen;
- Houthi attacks, continuing for months and years, against Saudi Arabia and others in the region, including civilian infrastructure, such as airports;
- An intensifying pattern, dating back months, of threats and attacks by Houthis and by Iran against states in the region and against shipping in the Gulf; and
- The urgent need to continue to move forward with arms transfers to the Saudis in order to enable them to continue their critical efforts to address the emergency that is described.

The Iranian and Houthi actions that are described have led to years of prolonged regional armed conflict and suffering. In addition, the threat from Iran increased sharply in many other ways in the days and weeks leading up to the Secretary's certification. It is worth precisely recounting the widely-reported events that occurred during that period:

- On April 8, 2019, President Trump announced the designation of Iran's Revolutionary Guard Corps as a Foreign Terrorist Organization due to its malign activities, the first time the United States had named part of another nation's government as that type of threat.¹
- After that event, "American officials said they began seeing stepped-up threats against their forces in the region, as well as reports that Iranian-backed Shiite militias were considering attacks on American troops in Iraq."²
- On April 22, 2019, it was reported that Iran threatened to close the Strait of Hormuz.³

¹ Edward Wong and Eric Schmitt, "Trump Designates Iran's Revolutionary Guards a Foreign Terrorist Group", *The New York Times*, April 8, 2019.

² Helene Cooper, "The U.S. Has Turned Up Pressure on Iran. See the Timeline of Events", *The New York Times*, June 14, 2019.

³ Arsalan Shahla and Ladane Nasser, "Iran Raises Stakes in U.S. Showdown With Threat to Close Hormuz", *Bloomberg*, April 22, 2019.

- On May 5, 2019, the United States announced that it was sending an aircraft carrier strike group and Air Force bombers to the Middle East due to “troubling and escalatory indications and warnings” from Iran.⁴
- On May 5, 2019, Secretary Pompeo stated that “It is absolutely the case that we’ve seen escalatory action from the Iranians, and it is equally the case that we will hold the Iranians accountable for attacks on American interests...”⁵
- Similarly, the Secretary of Defense noted that it was undertaking “a prudent repositioning of assets in response to indications of a credible threat by Iranian regime forces.”⁶
- On May 10, 2019, the Pentagon announced a new deployment of Patriot anti-missile batteries to the Middle East due to the Iranian threat.⁷
- On May 13, 2019, four commercial vessels were attacked in the Persian Gulf, which was widely reported to be attributed to Iranian-backed forces.⁸
- On May 15, 2019, the press reported indicators showing “fully assembled missiles, stoking fears that the Islamic Revolutionary Guards Corps would fire them at United States naval ships” and noted that the activity “could indicate that Iran is preparing to attack United States forces.”⁹ This led to a partial evacuation of multiple U.S. diplomatic facilities.¹⁰
- On May 24, 2019—the same day as the Secretary’s emergency certification—the Administration ordered 1,500 additional troops to the Middle East to augment American forces to counter Iran.¹¹
- On June 6, 2019, a top U.S. military commander asserted that “I think the [Iranian] threat is imminent...I believe the threat is still very real.”¹²
- On June 13, 2019, in the days following the certification, Iranian forces attacked two oil tankers in the Gulf of Oman.¹³

⁴ Edward Wong, “Citing Iranian Threat, U.S. Sends Carrier Group and Bombers to Persian Gulf”, *The New York Times*, May 5, 2019 (“An American military official said on Sunday night that whatever threat Mr. Bolton cited had most likely emerged in the previous 24 to 48 hours ...”)

⁵ *Id.*

⁶ Karen DeYoung, Missy Ryan, and Dan Lamothe, “Iranian threats led to White House’s deployment announcement, U.S. officials say”, *The Washington Post*, May 6, 2019.

⁷ Elizabeth McLaughlin and Luis Martinez, “Pentagon deploying Patriot anti-missile battery to Middle East to further deter Iranian threat”, *ABC News*, May 10, 2019.

⁸ Vivian Lee, “Claim of Attacks on 4 Oil Vessels Raises Tensions in Middle East,” *The New York Times*, May 13, 2019.

⁹ Julian E. Barnes, Eric Schmitt, Nicholas Fandos and Edward Wong, “Iran Threat Debate Is Set Off by Images of Missiles at Sea”, *The New York Times*, May 15, 2019 (“The photographs presented a different kind of threat than previously seen from Iran, said the three officials...[T]he photographs signaled a troubling Iranian mobilization of forces that officials said put American ships, bases and commercial vessels at risk.”)

¹⁰ *Id.*

¹¹ Anthony Capaccio and Margaret Talev, *U.S. Sends 1,500 Troops to Mideast After Blaming Attacks on Iran*, Bloomberg, May 24, 2019.

¹² Courtney Kube, “U.S. commander says American forces face ‘imminent’ threat from Iran”, *NBC News*, June 6, 2019.

¹³ David D. Kirkpatrick, Richard Pérez-Peña and Stanley Reed, “Tankers Are Attacked in Mideast, and U.S. Says Video Shows Iran Was Involved”, *The New York Times*, June 13, 2019 (“Secretary of State Mike Pompeo said that American intelligence agencies had concluded Tehran was behind the disabling of both ships. He pointed to the weapons used, the expertise and resources required and the similarity to other recent attacks attributed to Iran.”)

- On June 20, 2019, Iran shot down a U.S. drone flying in international airspace.¹⁴

Furthermore, there was significant intelligence reporting related to these threats leading up to, and around, the time of the Secretary's certification, which I briefed to Congress in a classified setting. Against these clear, unambiguous, and widely-reported events, the Secretary had a very strong foundation to conclude an emergency existed on May 24, the date of his certification. Indeed, it is bewildering you continue to call into question the basis for such an emergency with such a compelling public (and substantive classified) record.

More specifically, your letter alleges I testified the emergency only arose between May 21-24, 2019. I did not intend to suggest that was the case. Between May 21 and 24, the Secretary proceeded to execute his decision on the emergency certification; this decision to exercise long-standing statutory authority was predicated on staff work done by the Department over the previous several weeks. If you view my exchange with Representative Levin, during which he interrupted me several times, as inconsistent in any way with the facts as described in the Secretary's certification, my full testimony including my opening statement, or this letter, please rest assured there was no intent to obfuscate the necessity to address the threat and provide the necessary confidence and support to partners.

In sum, it is time for this matter to be closed.

Moving forward, I would also request your action on the current Gulf cases remaining in informal tiered review longer than the customary 40-day period. Pending your review, the Department is ready to submit four formal notifications: transfers of small arms and M230 chain guns to the UAE, and transfers of Paveway IV munitions and the Al-Diriyah C4I system to Saudi Arabia. Although the deadline for informal review of these cases ended between two and eight months ago, the Department and our Gulf partners would welcome your support at the earliest opportunity. Now more than ever, it is appropriate to demonstrate to our security partners the strength of our commitment to be the provider of choice for their national defense.

Sincerely,



R. Clarke Cooper
Assistant Secretary
Bureau of Political-Military Affairs

Cc: The Honorable
Michael McCaul, Ranking Member
House Foreign Affairs Committee

¹⁴ Natasha Turak, "Iran Shoots Down American drone in international airspace in 'unprovoked attack', US Says" *CNBC*, June 20, 2019.