

and as a member of the Foreign Relations Committee to express the hope that by noon tomorrow the State Department will provide for the Senate Foreign Relations Committee the document that it has rightfully requested so that it might know the truth with respect to the Gore-Chernomyrdin agreement.

Since I have been a Senator these last 4 years, I have had occasion to meet with the Vice President and Mr. Chernomyrdin when they came to Capitol Hill to trumpet what was represented to us as the great successes of their relationship and our outreach to Russia and to help Russia in its transition to democracy. In every way possible, we have hoped to conduct our business with Russia on better terms than we have in the past.

I think it is appropriate for this Republican to say that, without question, no one should question the motives of Vice President GORE with respect to what he has tried to accomplish in this relationship. However, there is reason to believe that some of what has gone on with the best of motives may, in fact—I emphasize “may”—have violated a law and a statute of this country, if not a constitutional requirement in article II of the Constitution that agreements be reviewed by appropriate congressional committees.

I am told that with respect to the Gore-Chernomyrdin relationship a House committee was informed. Congressman Hamilton said he received some information to that effect. DICK LUGAR, the Senator from Indiana, has said he knew in general terms what they were trying to achieve.

But then all of us were taken aback a couple of weeks ago by an article in the New York Times in which this agreement was specifically quoted. I do not know of any Congressman or Senator who has yet to say they have seen the particulars of this arrangement. That is the point of the Foreign Relations Committee's inquiry of the State Department.

Let me read briefly a sentence from that New York Times story that quotes what the Vice President pledges to do. He pledges to “avoid any penalties to Russia that might otherwise arise under domestic law.”

There is nothing in the Gore-McCain law of 1992 that allows the executive branch to unilaterally waive the law. Their duty under that law is to impose sanctions, and then to waive them if that is the judgment of the executive but not to do it in a way that keeps Congress in the dark and violates specific terms of American law.

Why should we care? Many of our friends on the Democratic side said this is all just about politics. You shouldn't be raising that now.

I point out to them that the Vice President, the executive, and the State Department have had 5 years to take this out of politics and to simply disclose, as is rightfully our right to know, those documents and those particulars as to agreements.

Some of my colleagues have said these aren't agreements; that these are understandings. If it quacks like a duck and waddles like a duck, to me it is a duck.

In my opinion, when you see specific responsibilities and considerations on both sides and end dates, folks, that is an agreement, and the Congress has a right—and particularly the Senate—to see this document, and in confidence if necessary. But we have a right to documents that have been requested of the State Department.

I hope that it exonerates the Vice President. But let me tell you why I am concerned that it may not.

The Washington Times, a week ago, ran a story in which a letter was leaked from the State Department—not by the Republican Party but by the State Department somehow to a reporter of the Washington Times—a letter from the Secretary of State, Madeline Albright, to the Russian Foreign Minister, Igor Ivanov. You have to read these words to, frankly, understand it and really believe it. I don't know how words can be any clearer that the administration is admitting to a violation of law.

This is what the Secretary wrote to the Russian Foreign Minister:

We have also upheld our commitment not to impose sanctions for these transfers disclosed in the Annex to the Aide Memoire. The Annex is very specific in its terms, and we have followed it strictly. . . . Without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws. This possibility still exists in the event the continued Russian transfers after the December 31 termination date.

Madam President, the Secretary of State has said here that they have violated the law.

What the Senate Foreign Relations Committee and the majority in this party are asking for is to have the proof of the State Department's assurances to us that they haven't violated the law. That is all we are asking for. If they haven't, we will be glad to say that to the whole world. But what we have received so far is their assurances that they haven't violated the law.

Guess what. I want to believe them. But I am entitled as a Senator to see the document so I might know that they have not violated the law as the Secretary of State has said.

Should we know that? I think we should.

Does that mean the Gore-Chernomyrdin agreement isn't a good deal? I don't know that. It may be a great deal.

But it is not a deal where the means justify the ends to violate American law and treat the Senate with disrespect. It does not warrant that. We are a country of laws, and we need to obey them.

We are simply asking, as a signatory to this letter, that the administration comply with the law authored by the Vice President himself.

In addition to SAM BROWNBACK and myself, the signatories to this letter

are the majority leader, TRENT LOTT, the majority leader whip, DON NICKLES, the chairman of the Foreign Relations Committee, JESSE HELMS, JOHN McCAIN, FRED THOMPSON, the chairman of Governmental Affairs, RICHARD SHELBY, chairman of the Intelligence Committee, JOHN WARNER, chairman of the Armed Services Committee, and RICHARD LUGAR, who, by the way, wouldn't mind knowing the truth of what has been represented to him, too. He is curious about indeed what the facts are.

I regret that this is close to an election. I don't believe politics should be international. I think they should stop at the water's edge. But I think the responsibility lies with the administration to foster a bipartisan foreign policy. That is clearly not happening here.

We are entitled to know the truth. If the law has been complied with, this is over with. If it has not, then, frankly, that ought to be known by the American people as well.

Whether or not a Kilo-class submarine is a dangerous weapon, frankly, is a judgment the administration is entitled to make. But there may be other weapons on that, as the Secretary suggests, that were subject to sanctions.

We have a right to know whether or not we have been treated as mushroom farmers—keep them in the dark and shovel the manure on them.

That is not how it is supposed to work—not according to our Constitution, not according to our statutory law and various provisions.

We are entitled to know the truth. As one Senator, I plead with the State Department to show us the documents and this goes away. But you have to show us the documents. We are owed it. We deserve it. We are entitled to it. It ought to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

MR. BIDEN. Madam President, I ask to be able to proceed for 8 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right. We are operating under a time agreement until 7:30.

AIDE MEMOIRE

MR. BIDEN. Madam President, I have great respect for my friend from Oregon. I know he knows I think he is dead wrong on this issue. For two reasons I think he is dead wrong: On the facts and I think he is dead wrong on the approach he has taken.

The fact of the matter is, the administration at the time this aide memoire—a fancy phrase for saying this agreement—was signed by GORE and Chernomyrdin, a follow-on to a verbal agreement made by Clinton and by Yeltsin in 1994—that agreement was made known to the public; it was publicly stated, and that was actually offered. The House of Representatives was briefed at the time.

Here we are less than 10 days before an election and it has become a cause

celebre. I don't have the time, and I am sure my friend from Oregon doesn't have the inclination, to listen to why this is a violation of the separation of powers doctrine. And this is not a binding obligation. There are distinctions between binding obligations and agreements. One requires disclosure; the other does not. The fact is, this was a good deal and it was disclosed and made available to be disclosed.

Let me cut to the chase. The fact of the matter is we did have a closed meeting with members of the State Department. I was present, my friend from Oregon was present, our colleague from Kansas was present, Senator BROWNBACH, and maybe someone else; I can't recall. I indicated at the time that although the White House and the State Department were not required to share these documents, in my view they were making a tactical political mistake not doing it.

I am here to tell my friend from Oregon what I told Senator LUGAR and what I told Senator HAGEL, and I understand it is being communicated to the majority leader. The State Department is going to make available to the leadership of the House and the Senate—which is the way we do these things—the so-called annexes. If there is any violation of law—which there is not, but if there is any—the only violation could flow from there being a weapons system that was transferred on the annex, that falls within the purview of the law, that covered certain weapons systems and destabilizing systems under the McCain-Gore legislation. So if there is nothing in that annex that was transferred, there can be no question there was no law broken here.

This will be the test to know whether this is politics or not. This will be the test. If the administration makes that available to the majority leader, minority leader, Speaker of the House, and the minority leader of the House, the leadership of the House, then, in fact, we will find out. They will bring the document up, and they can see it.

If they really want to know the answer, if they really believe a law was broken, then it is really clear; they can sit down and look at it and find out. But if the offer is made and it is refused—I will say and challenge anyone to give me a good reason why I am wrong—that is pure politics.

I really mean this; I have an inordinately high regard for my friend from Oregon. That probably hurts him back home, but I like him a lot. The fact of the matter is, we have worked closely together on a whole number of items. I have never misled him and he has never misled me. I got off the phone with Strobe Talbott. The Secretary of State is intending to call the majority leader, going to make the offer tomorrow to come up and show the documents.

It is interesting that the letter requesting documents says they basically want these annexes. I know we need

more time to explain this to someone listening because this is kind of confusing. My friend from Oregon knows what I am talking about because he knows the area well. The annex lists all those weapons systems that would be sanctionable if transferred by the Russians to the Iranians, if that were to occur.

We will find out whether anything was transferred. By the way, unlike in any other administration, it has been pointed out that 10 times as many weapons were transferred to the Iranians when Bush was President than since Clinton has been President. But we will find out whether anything was violated.

I want to make it clear, the offer will be made. If the offer is rejected, I want everyone to know—and the press who may be listening—that a big neon light should go on, "Politics, politics, politics." If the offer is accepted, then, in fact—and my colleagues look at it, the majority leader of the Senate, the Speaker of the House of Representatives, if they look at it and they say this looks like a duck, to use my friend's phrase, that is a different story. That is debatable; that is something that warrants concern.

To reiterate:

The Senators' letter says that "the Vice President pledges to 'avoid any penalties to Russia that might otherwise arise under domestic law.'"

The letter omits the words immediately preceding that quote from the leaked understanding: "take appropriate steps" to avoid penalties. That meant that the United States would not circumvent U.S. law. Rather, if necessary, we would sanction Russia, but waive the penalties, pursuant to the law.

But in fact, there was no need to waive penalties at all, because Russia was not proposing any conventional arms transfers that would trigger sanctions under U.S. law—and the Vice President was assured of this by the Department of Defense before he signed the understanding.

One relevant law was the Iran-Iraq Arms Non-Proliferation Act of 1992, the so-called "McCain-Gore Act." That law requires sanctions against governments that transfer "destabilizing numbers and types" of "advanced conventional weapons" to Iran or Iraq. Thus, you must find both the sale of advanced conventional weapons to Iran, and that these are a number and type so as to tip the balance of power in the region.

We have been assured—by experienced, career officials—that the Annex listing planned Russian arms transfers to Iran contains nothing that would meet all those tests.

But we don't have to trust the Government on this. Anthony Cordesman, who was JOHN McCAIN's national security assistant in 1992, working on the McCain-Gore bill, wrote recently: "Iran . . . has not . . . received destabilizing transfers of advanced conventional weapons."

The third Kilo-class submarine to be sent to Iran was specifically considered by the Pentagon, which decided that it would not be destabilizing.

In any case, submarines are not listed in the 1992 law's definition of advanced conventional weapons; and even President Bush made no move to add them to the list, even though the law permits such additions.

The Senators' letter quotes Secretary Albright's letter to Russian Foreign Minister Ivanov, in which she says we "upheld our commitment not to impose sanctions" and that "without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws." As you said yesterday:

One reasonable interpretation is that Secretary Albright is saying, "if you hadn't obeyed the Aide Memoire, you would have gotten in trouble." And that's true. If Russia had signed new deals to sell "lethal military equipment" to Iran, or if it had sold lots of "advanced conventional weapons" to Iran, it would have forced us to invoke sanctions under our law. But they basically did obey the Aide Memoire, and stayed out of trouble in this regard.

Another reasonable interpretation is that the Secretary was overstating her case, using U.S. law as a club with which to beat the Russians. If so, more power to her.

A third reasonable interpretation is that Secretary Albright was thinking of those sanctions, based on other U.S. laws, that do not require any trigger other than a Presidential determination that the national security warrants them.

The Albright letter does not show any violation or circumvention of the 1992 Iran-Iraq law, and there is no evidence of any such action.

The Senators' letter rejects Vice President GORE's point that Russia's arms transfers were pursuant to previously-signed contracts, because the McCain-Gore law does not exempt such transfers.

That misses the point. There are other laws that would require sanctions for any transfer of "lethal military equipment" to Iran. Those laws exempt transfers under pre-1996 contracts.

The administration never claimed that it was cutting off all Russian arms transfers to Iran. But it did put a cap on those transfers, limiting them essentially to ones contracted for during the Bush administration.

The Senators' letter says that the Congress must review all the relevant documents, renews a demand for all the previously requested documents, and threatens a subpoena if these are not produced by noon Monday.

The fact is, however, that only the Annex to the Aide Memoire is cited as a really necessary document.

I think the executive branch ought to find a way to let appropriate senators review the Annex and the Secretary's

letter to the Russian Foreign Minister, while maintaining the confidentiality of those documents.

Once that is done, I believe that there will be no good reason to seek further documents.

Tony Cordesman, the expert in Middle Eastern military affairs who was Senator MCCAIN's national security assistant, summed up this case admirably a couple of weeks ago:

Political campaigns are a poor time to debate complex military issues, particularly when the debate is based on press reports that are skewed to stress the importance of the story at the expense of objective perspective and the facts.

I ask unanimous consent the pertinent letters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 26, 2000.
Hon. MADELEINE ALBRIGHT,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: We were extremely disappointed that the Department of State continues to refuse to give the Committee access to critical documents relating to the Gore-Chernomyrdin agreement.

Madame Secretary, this is simply unacceptable. All of the evidence in the public domain leads us to the conclusion that Vice President Gore signed a secret deal with Russian Premier Viktor Chernomyrdin, in which he agreed to ignore U.S. non-proliferation laws governing weapons transfers to Iran.

The text of the agreement signed by Mr. Gore and Mr. Chernomyrdin (as published in the New York Times), the Vice President pledges to "avoid any penalties to Russia that might otherwise arise under domestic law."

And, in your letter to Russian Foreign Minister Igor Ivanov earlier this year (published in the Washington Times), you state: "We have also upheld our commitment not to impose sanctions for these transfers disclosed in the Annex to the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws. This possibility still exists in the event of continued Russian transfers after the December 31 termination date."

The administration's defense—repeated by the Vice President this morning on "Good Morning America"—that the Russian transfers to Iran he agreed to were under "pre-existing contracts" simply does not wash. The date the contracts were signed is irrelevant. The Gore-McCain law covers the transfer of weapons after 1992. There is no "contract sanctity" exception in the law—it does not matter whether the transfers took place under new or pre-existing contracts. What matters, under law, is when the transfer took place.

The Administration's other defense—that the weapons transferred are not covered by the Gore-McCain law—is belied by the Administration stubborn refusal to share with the Committee the Annex that lists the weapons.

In essence, you are saying to Congress and the American people: "Trust us." Considering the fact that almost everything we have learned about this secret deal has come from the news media and not the Administration, we respectfully decline.

Congress has a right and responsibility to review all the relevant documents, and to

judge for itself whether the transfers the Vice President signed off on were covered by U.S. non-proliferation laws.

We expect the Administration to share all of the requested documents with the Committee no later than noon on Monday, October 20.

If the Administration continues to stonewall, and withhold these documents from Congress, then the Foreign relations Committee will have no choice but to issue a subpoena to obtain them.

Sincerely,

Gordon Smith, John McCain, Jesse Helms, Trent Lott, John Warner, Sam Brownback, Don Nickles, Fred Thompson, Richard Shelby, Richard G. Lugar.

U.S. SENATE,

Washington, DC, October 25, 2000

Hon. GEORGE P. SCHULTZ,
Thomas W. and Susan B. Ford Distinguished
Fellow, Hoover Institution, Stanford University, Stanford, CA.

DEAR MR. SECRETARY: I read with interest your election-eve condemnation of an understanding that Vice President Gore and Russian Prime Minister Chernomyrdin reached some five years ago. I was surprised—and saddened—to see that you and other men who have served our nation with dignity and distinction would sign a letter that was promptly used in an effort to exploit a national security issue for partisan gain.

It is time to set the record straight. First, the June 1995 U.S.-Russia understanding prevented new Russian arms sales to Iran and thus enhanced the security of the United States and its allies. Second, the understanding did not circumvent, violate or undermine any U.S. law. Indeed, it appears to have led Russia to stay within the bounds of U.S. law regarding conventional arms transfers to Iran. Third, although the executive branch was under no legal obligation to submit the June 1995 understanding to the Congress as an international agreement, it did make public the broad outlines of the understanding and provide classified oral briefings at least to one committee.

One highly respected expert in this field is Mr. Anthony H. Cordesman, who was national security assistant to Senator John McCain when his employer and then-Senator Al Gore wrote the Iran-Iraq Arms Non-Proliferation Act of 1992. Mr. Cordesman now holds the Arleigh Burke Chair at the Center for Strategic and International Studies. Earlier this month, he wrote an analysis of Russia's conventional arms transfer to Iran. The opening of that study strikes me as especially worthy of your consideration: "Political campaigns are a poor time to debate complex military issues, particularly when the debate is based on press reports that are skewed to stress the importance of the story at the expense of objective perspective and the facts. Iran does represent a potential threat to US interests, but it has not had a major conventional arms build-up or received destabilizing transfers of advanced conventional weapons."

If you remain uncertain regarding any of the points I have made, I invite you to consult such sources as Mr. Cordesman's CSIS study, Iranian Arms Transfers: The Facts, the public testimony this morning of Deputy Assistant Secretaries of State John P. Barker and Joseph M. DeThomas before the Senate Committee on Foreign Relations, and even my own opening statement at this morning's hearing.

Sincerely,

JOSEPH R. BIDEN, JR.,
U.S. Senator.

Mr. BIDEN. Madam President, I don't know a lot about matters over which I

don't have jurisdiction as a Senator. So I don't expect all Senators to know as much about sanctions as the Senator from Oregon and I because we spend probably 20 percent of our time working on that in the Foreign Relations Committee. My friend from Massachusetts forgot more about HCFA than I will ever know. It took me a while to know what HCFA was. They set the rates for everything, and it affects the American people a heck of a lot more than sanctions policy.

There are discretionary sanctions available to the President of the United States. I emphasize "discretionary." The comment made by the Secretary of State refers to those discretionary policies.

The PRESIDING OFFICER. The distinguished Senator has utilized the 8 minutes he requested.

The Senator from Massachusetts is recognized.

THE TEXAS RECORD

Mr. KENNEDY. Madam President, I want to address the concerns of my friend, the Senator from Texas, in her comments earlier. I want to make very clear I have no complaint against the State of Texas. It has an outstanding history and has produced some great leaders, including Sam Houston, Sam Rayburn, President Johnson. My complaint is not against Texas at all, it is against the clear misstatements of Governor Bush about his Texas record. The facts are there. I am not attacking the State of Texas. I am sure many citizens of Texas share my concerns about the United States.

It is proper and necessary to talk about these issues. They are important. They are important in the national Presidential debate because they aren't being addressed by this Congress. The Republican leadership has blocked responsible action on education. For the first time in 35 years, Congress has failed to reauthorize ESEA. We are now 4 weeks late in passing an education funding bill. Since the majority has stifled any debate on education in this Congress, it is appropriate and necessary to speak on the Senate floor about how education will be treated in the next Congress under the next administration. The American people deserve a Congress that will act on education, not ignore it.

When we think about what will happen to education next year, we must look at the Presidential candidates and how they will address education. It is essential to look at the record of Governor Bush, the Republican candidate for President. That is what I have done.

On the children's health issue, when the Congress passed the CHIP program in 1997, we put affordable health insurance for children within reach of every moderate- and low-income working family in America. Yet George W. Bush's Texas was one of the last States in the country to fully implement the