this year, and the problem is we have these budget caps that were agreed to in 1997, and now things have gone better than anybody anticipated. We have been able to get our fiscal house in order. The question is how we maintain that discipline and at the same time fund the urgent priorities of the American people, especially education.

As was said by budget expert, Robert Reischauer, the former Director of the Congressional Budget Office, this notion the Republicans have come up with to just add a 13th month does not solve the problem; it avoids the problem. We will have spending caps in 2001 and 2002 as well, so all we have done is postpone and magnify the problem. We will have actually made the problem worse.

There is humor in this. I think we all see almost a theater of the absurd in the notion that our Republican colleagues have come up with as a way to solve the problem, which is to add a 13th month.

I say on a serious note, let's not do that. We have had success in getting our fiscal house in order by being straight with the American people, by passing legislation that fits our spending to our income. Let's not create a fix such as this in order to support a massive, risky, radical, reckless tax cut scheme which our friends on the other side have come up with that threatens the fiscal discipline that has been put in place, that has put us in such a strong position.

I thank the Chair and yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

DEPLORING THE ACTIONS OF PRESIDENT CLINTON REGARDING GRANTING CLEMENCY TO FALN TERRORISTS—Continued

Mr. COVERDELL. Parliamentary inquiry.

Is the matter of business before the Senate S.J. Res. 33?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Could the Chair please advise the Senator from Georgia as to the time remaining on each side?

The PRESIDING OFFICER. The Senator from Georgia controls 26 1/2 minutes; the other side has 39½ minutes.

Mr. COVERDELL. I thank the Chair.

Mr. President, I yield up to 10 minutes of our time to the distinguished chairman of the Judiciary Committee, Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair and my colleague from Georgia.

On January 24, 1975, during a busy lunch hour, an explosion ripped through the historic Fraunces Tavern in New York City, killing four people and injuring 55 others. On August 3, 1977, during the morning rush hour, a powerful bomb was detonated in a busy New York office building, killing one man and injuring several others. Credit for both these bombings was proudly taken by a terrorist organization calling themselves the FALN, an acronym from a Spanish title meaning the Armed Forces for Puerto Rican National Liberation.

In March of 1980, armed members of the FALN entered the Carter-Mondale campaign headquarters, bound and gagged women and men inside, and held them at gunpoint as they ransacked the offices. The FALN took credit for bombings and incendiary attacks in New York City, Chicago, and Washington, D.C., attacks which took place in department stores, office buildings, restaurants, even a women's restroom. In all, the FALN has been linked to over 150 bombings, attempted bombings, incendiary attacks, kidnappings, and bomb threats, which have resulted in the death of at least six people and the injury of at least 70 others.

On August 11, 1999, President Clinton, who up to this point had commuted only three sentences since becoming President, offered clemency to 16 members of the FALN. This to me, was shocking. And quite frankly, I think I am joined by a vast majority of Americans in my failure to understand why the President, who has spoke out so boldly in opposition to domestic terrorism in recent years, has taken this action.

In subsequent spinning, the White House has pointed out that the 16 offered clemency were not convicted of the actual attacks that killed or maimed people. But many of these 16 were involved in building bombs, and in storing and transporting explosives, incendiary materials, and weapons. In one raid alone involving the terrorists President Clinton has released, law enforcement recovered 24 pounds of dynamite, 24 blasting caps, weapons, and thousands of rounds of ammunition, as well as disguises and false identifications.

The administration argues that none of these people were ''directly'' involved with activities that hurt people. But these people, to the contrary, were convicted of conspiring to commit acts of terrorism. According to former Assistant U.S. Attorney Deborah Devaney, several of the FALN terrorists were captured in a van full of weapons and others were videotaped making bombs that they planned to use at military institutions.

It is only because of the good work of law enforcement that these terrorists were caught and convicted before these deadly devices were used to take additional innocent human lives. Osama bin Laden is on the FBI's Most Wanted List for conspiring to commit acts of terrorism. According to the administration's logic, he too should be let go, if captured, because he was not directly involved in acts of terrorism, although we all know he has been funding the terrorist acts.

The administration also argues that these prisoners received longer sentences than they would have under the sentencing guidelines. Well, there are thousands of people in jail who were sentenced before the guidelines. Does each of them deserve to have their sentences reduced? The President will have to pick up the pace of clemency offers if he is to right all these so-called wrongs in the 15 months left in his term.

This whole episode raises a number of questions about this administration's approach to law enforcement and the rule of law in general. Were the normal procedures followed in the processing of clemency opinions? What set these 16 prisoners apart from the more than 4,000 who have petitioned this President for clemency, or the other tens of thousands serving time across the country? What prompted the President to make this offer of clemency? Who recommended it? On what basis was it granted?

Whatever the administration's arguments, the bottom line is that the President's ill-considered offer of clemency has now been accepted by 12 of the 16 FALN members, many of whom are now back on the streets.

These are people who have been convicted of very serious offenses involving sedition, firearms, explosives, and threats of violence. The FALN has claimed responsibility for past bombings that have killed and maimed American citizens. I personally pray that no one else will get hurt.

This is yet another example of this administration sending the wrong message to criminals, be they foreign spies, gun offenders, or, in this case, terrorists.

In this case, it appears President Clinton put the interests of these convicted criminals ahead of the interests of victims, the law enforcement community, and the public. I think we need to know: Did the Justice Department do its job?

There are substantial questions as to whether the normal process was followed in this case. Reportedly, the President made his clemency offer over the strong objections of prosecutors, the FBI, the Bureau of Prisons, and the victims of crime. In the Wall Street Journal today, Mr. Howard Safir, the New York City police commissioner, asserts that:

> In my 26 years as a Justice Department official, I have never heard of a clemency report being delivered to the President over the strenuous objections of these agencies. The Department of Justice and the Attorney

General apparently did not even take a formal position on the matter, even though the Department's own rules require doing so.

Here we have another example of what people suspect: The Attorney General is asleep at the switch while the White House runs the Justice Department.

As chairman of the Senate committee with oversight of the Department of Justice, I have requested copies of all relevant documents, including the Department's memo to the White House. Even our colleague, Senator SCHUMER from New York, believes we should have these documents. But so far the Department has refused to turn over anything.

The White House and the Justice Department are hiding behind their tired, old ploy of ''studying'' whether to assert executive privilege. If the President has confidence that his decision was a just one, then he ought to be willing to hold it up to public scrutiny. There may be a legitimate argument that executive privilege applies to some materials. There is no legitimate reason, however, not to allow the Justice Department witnesses to appear before Senator COVERDELL's hearing this morning about the current status and activities of the FALN. Nor is there any legitimate reason to refuse to allow the Pardon Attorney to testify at my hearing tomorrow about how the clemency process works. Are the White House and the Justice Department studying or are they stonewalling?

At the Judiciary Committee hearing tomorrow, we will hear from the law enforcement community and the victims who have been affected by this grant of clemency. I have invited representatives of the FBI and the Justice Department's Pardon Attorney's Office. I hope the White House and the Department of Justice will allow them to testify. The American people deserve to hear this testimony, and I think the White House and the Justice Department should not be stonewalling this type of investigation by the appropriate branch of Government called the Congress of the United States.

I believe our entire Nation is being victimized by terrorism. A bomb at the World Trade Center, the Oklahoma City Federal Building, or a U.S. Embassy abroad has an effect on all of us.

This clemency deal is an insult to every American citizen. This clemency deal is not humanitarian. It is not just.

Exactly what is this? A weak moment? Political favoritism? Another foreign policy miscalculation by this administration? I will tell you what it is. It is plain and simple. It is wrong. That is what it is.

I urge my colleagues to support the Coverdell resolution so that the Senate will be on record as opposing the President's decision to grant clemency.

We cannot send mixed messages with regard to terrorism. One of the major problems this country is going to face in the future —as will every free country—will be acts of terrorism by people just like these FALN terrorists who put their own beliefs above doing justice and what right in society. If the United States continues to show that type of soft-headedness with regard to terrorist activities and terrorists themselves, then we are going to reap a whirlwind in this country, and we will see more acts of terrorism in this country than we ever thought possible.

I can say with impunity that there are better than 1,500 known terrorists and terrorist organizations in the United States of America today. Frankly, there are a lot more than that. Thus far, the administration, prior to this act, has done a pretty good job of offsetting terrorist activities in this country, mainly because of the FBI and its good work. I am suggesting that we get on top of this. The President should be ashamed for doing what he has done.

I yield the floor.

Mr. McCONNELL. Mr. President, I rise today to express may great concern and dismay at President Clinton's decision to offer clemency to sixteen convicted terrorists. These individuals were members of the FALN, the Armed Forced for National Liberation, which uses violence and terror to further its cause of making Puerto Rico an independent nation. As a result of their involvement in a series of terrorist bomb attacks on United States soil, these individuals have been convicted of very serious offenses.

Terrorism is a deplorable act. In recent years we have seen tragic attacks on our embassies overseas, and hideous murders in Oklahoma City and the World Trade Center. This harvest of death and suffering is what terrorism is about. By releasing these terrorists President Clinton has made a terrible mistake. For years our message to terrorist has been simple: ''If you attack, maim, and kill Americans, the United States will hunt you down and punish you. We do not forget, and we will bring you to justice.'' Now the President is saying that we will forget, and that justice can give way to other considerations. That is the wrong thing to do.

Mr. Gilbert Gallegos, the president of the Fraternal Order of Police, which represents the Americans on the front lines of the war on terrorism, has eloquently condemned President Clinton's actions. Mr. President, I ask unanimous consent that this letter from Mr. Gallegos to President Clinton be printed in the RECORD.

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

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Albuquerque, NM, August 18, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing this letter on behalf of the more than 283,000 members of the Fraternal Order of Police to express our *vehement opposition* to your offer of clemency to sixteen convicted felons involved with a wave of terrorist bomb attacks on U.S. soil from 1974–83. I would also like to express my own personal confusion and anger at your decision.

Your offer of clemency would immediately release eleven convicted felons who conspired as members of the FALN to plant and explode bombs at U.S. political and military targets. The remaining five would have their criminal fines waived and only two would serve any additional time. These attacks killed six people, wounded dozens and maimed three New York City police officers: Detective Anthony S. Senft lost an eye and a finger, Detective Richard Pastorella was blinded and Officer Rocco Pascarella lost his leg.

Your claim that none of these people were involved in any deaths is patently false. As members of the terrorist organization that was planting these bombs, all of them are accessories to the killings as a result of the bomb attacks. Two of the persons to whom you have offered clemency were convicted of a $7.5 million armored truck robbery, which undoubtedly financed the FALN's 130 bomb attacks.

These are not Puerto Rican patriots, these are convicted felons who are guilty of waging a war of terror against Americans on American soil to accomplish their political objectives. Why are you rewarding their efforts?

I can only assume you are again pandering for some political purpose. This time, Mr. President, it must stop before it begins.

The ''human rights advocates'' who are so concerned about the plight of these killers have never shed a tear for the victims. These ''human rights advocates'' are the same people and organizations who maintain that the United States routinely abuses the rights of its citizens and who issue reports stating that our state and local police officers are nothing more than racist thugs who enjoy brutalizing minorities. These ''human rights advocates'' are the same people and organizations who clamor for the release for Mumia Abu-Jamal, a convicted cop-killer, and raise money for his defense.

I do not Know, Mr. President, how they decide which rights to advocate and which to ignore, but it seems that murderers and terrorists are more entitled to them than victims. Do not offer clemency to sixteen convicted felons to placate ''human rights advocates.''

I would also strongly urge you to reject any inclination or polling data that indicates this will generate sympathy for you or for a Democratic presidential candidate among Hispanic-Americans. As an Hispanic-American myself, I can assure you that releasing violent convicted felons before they have served their full sentences and to waive tens of thousands of dollars in criminal fines, is no way to appeal to racial pride.

I sincerely hope, Mr. President, that this ill-conceived notion is consigned to the pile reserved for horrendously bad ideas. Many of the best accomplishments of your presidency stemmed from your commitment to law enforcement and to police officers.

This aberration would surely eclipse all we have done to date to keep America safe. Police officers around the country, including me, have stood side by side with you in fighting violent crime and supporting your community policing initiatives. Caving into these advocates is a slap in the face.

I look forward to hearing from you about this matter.

Sincerely,

GILBERT G. GALLEGOS,
National President.

Mrs. BOXER. Mr. President, I will vote in favor of S.J. Res. 33, a resolution which disapproves of the President's decision to grant conditional

clemency for certain individuals who were convicted of crimes related to the activities of the Armed Forces for National Liberation and a splinter group called the Macheteros.

However, I am disappointed that this issue was turned into a partisan, political attack on the President. The original language was inflammatory and too broad, accusing the President of sweeping charges that were misleading and inappropriate. Some of the worst rhetoric has been removed in this version, but in my view it is still too political.

In the future, I hope that Congress will prove to more responsible and bipartisan when discussing U.S. counterterrorism policy.

Mr. SESSIONS. Mr. President, I would like to join and associate myself with the remarks of Senator HATCH, chairman of the Judiciary Committee. We will be having hearings tomorrow on the pardon of FALN terrorist groups.

I would like to share a few thoughts at this time. I feel very strongly about this matter. I spent not the 26 years that Howard Safir, who is now the Commissioner of Public Safety in New York, spent with the Department of Justice. But I spent 15 years at the Department of Justice.

It really troubles me. It very much saddens me to see what is happening to that Department. Senator HATCH said the Attorney General is asleep at the switch while the White House runs the Department of Justice. Too often that has been true. I hate to say that. I love that Department of Justice. I respect it.

On the facade of the Supreme Court, right across this street, are the words ''Equal Justice Under Law.'' I would like for people to think about a couple of things. Three-thousand people in prison in this country during the Clinton administration—more than 3,000—asked for clemency. This administration followed the procedures established by Executive order in 1893. They referred it to the Department of Justice for a background review and a recommendation. After that was done, only three—only three—had clemency granted to them.

A clemency is a very unusual thing. It is to allow somebody to get out of jail before they serve their full sentence imposed by a court of law and affirmed by the appellate courts of this country. So this is unusual.

Apparently, it was done against the objections of the people who were involved in the case who knew about it. The prosecuting attorney—the U.S. Attorney's Office—apparently recommended no. The FBI, which investigated the case, said no. The Federal Bureau of Prisons said no.

We don't know yet. I hope that we will find out—and I hope this administration does not stonewall—what the Pardon Attorney's recommendation was. It went on up to the Deputy Attorney General of the United States. So we need to find out what happened. It cannot be, in my view, justice.

Some said: Well, what if one of these 16 may not have been personally involved in the violent act?

I want to tell you what a conspiracy means.

These individuals knowingly and deliberately joined with a group, FALN, which had been involved—and well known in Puerto Rico throughout this country—in public bombings and assassinations and maiming of American people. They joined with that group. They were caught with C–4 explosives and truckloads of guns in participation of that effort.

I want to note what the law is on that. Under one case in the Fifth Circuit, the court held that ''A conspiracy is like a train. When a party knowingly steps aboard, he is part of the crew and accepts responsibility for the existing freight (that was already carried).''

That is what we have here. There is no doubt that this group joined this criminal enterprise and participated in it and were apprehended by courageous FBI agents working undercover. There is no doubt that it was tried in a high profile case in Chicago, New York, and other places.

You can be sure that the Marshals Service and the FBI were guarding the judge, the jury, and the families because this was a big-time prosecution of people who were determined to destroy this country and defeat the U.S. Government.

That is what it was about. This was a high profile, very intense effort. It was done by prosecutors and FBI agents who willingly put their lives at risk to bring them to bear. And once they were convicted, we have not had any more bombings. It was a successful, courageous effort that saved lives in this country.

It is not acceptable for this President to go around the Department of Justice professionals, violating President Grover Cleveland's Executive order which he could have changed if he wished to but never did. It is the established procedure—and for reasons that I can only conclude have to be political because they certainly cannot be based on law and fact.

I would just say this: Justice is a fragile thing. But I would like to ask the American people and the Members of this body to think about this: What about the other 3,000 people who did not get their pardons?

Thank you, Mr. President.

Mr. LEAHY. I did not agree with the President's recent clemency decision, but I recognize that it is his decision to make. When I was State's Attorney for Chittenden County, I did not always agree when the Governor of Vermont exercised his clemency power, but I understood that it was his to exercise as he saw fit. There were many more numerous exercises of this constitutional power by the Republican and Democratic Presidents with whom I have served over the last 25 years—President Carter used this power over 560 times, President Reagan over 400 times and President Bush over 75 times— and they have not always been matters with which I necessarily agreed.

Yesterday I cautioned against the extreme rhetoric of the version of the Lott-Coverdell resolution that was initially introduced. Through the course of the last week some of the misstatements of fact that were contained in that version of the resolution have been corrected and its most extreme and dangerous political rhetoric has been eliminated.

The resolution that the Senate will adopt today deletes much of the overreaching language of the President's congressional critics. I noted yesterday that to contend that the clemency grants showed a weakness of resolve against international terrorism was both wrong and might itself contribute to creating a dangerous atmosphere.

We ought to be careful when anyone, let alone the Senate and Congress of the United States, starts bandying about declarations that accuse the United States Government of making ''deplorable concessions to terrorists,'' ''undermining national security'' or ''emboldening domestic and international terrorists.'' Playing politics with this matter and accusing the President of ''undermining our national security'' or ''emboldening terrorists'' carries significant risks and was not right. I am glad that language has been eliminated from the text of the resolution.

Likewise, some of the factual inaccuracies in the initial draft were eliminated, including the assertion that the procedure used in these petitions was ''irregular'', and the inaccurate assertion that the Bureau of Prisons had audio recordings indicating that some of the 16 persons offered conditional clemency by the President had ''vowed to resume their violent activities upon release.'' There was no basis for that assertion, which was inaccurate and unfounded but nonetheless included in the original resolution. It has now been deleted.

Similarly, the substitute resolution eliminates the contention that the President's decision was ''making terrorism more likely and endangering'' Americans.

Most importantly for the resolution— and this is after all only a congressional resolution that cannot change the clemency decisions by the President— the original resolution proposed declaring that the President had ''made deplorable concessions to terrorists, undermined national security and emboldened domestic and international terrorists.'' All of that language has been deleted from the resolution. It was extreme and risky political rhetoric and should never have been included.

The American people can judge whether the time and energy being devoted by the Congress to this declaration is the best use of the these resources. Yesterday I challenged the

Senate to make time for votes on the many qualified nominees whom the Republican majority has stalled for the last several years. If the Senate has time to debate and vote on this resolution, it should have time to vote on the nomination of Judge Richard Paez to the Ninth Circuit Court of Appeals, which has been pending for over 3½ years. If the Senate has time to debate and vote on this resolution, it should have time to vote on the nominations of Justice Ronnie White to be a federal judge in Missouri, Marsha Berzon to be a judge on the Ninth Circuit, Bill Lann Lee to head the Civil Rights Division and to act on the scores of other nominees pending before it.

The Senate has not completed work on 11 of the 13 appropriations bills that must be passed before October 1. The Republican Congress cannot find time for campaign finance reform or a real patients' bill of rights or raising the minimum wage or reforming Medicare or completing the juvenile crime bill conference. The American people will judge whether the Senate should be doing its job and attending to its constitutional duties of confirmations and legislation or whether its time should continue to be devoted to partisan politics and attacks on the Executive Branch.

Ms. MIKULSKI. Mr. President, I oppose the President's decision to grant clemency for the FALN terrorists.

I oppose clemency for two reasons. First of all, this clemency decision violates the tenets of our counter terrorism policy. Terrorism is one of the greatest threats facing our nation. We say that we will fight terrorism with every tool that we have. We say that we will make no concessions to terrorists. We say that we'll track the terrorists down—no matter where they are, no matter how long it takes. We say that we'll hold them accountable—and punish them to the fullest extent of the law. By granting clemency to terrorists, we are saying that these tenets don't always apply. What kind of message does it send to offer clemency to those who are guilty of the most heinous and cowardly crimes?

Terrorism is a real threat to America—and to individual Americans. Too many families are suffering the inconsolable loss of their loved ones—because some murdering thug wants to make a political point. Too many times, I have called grieving families to express my sorrow. After Pan Am 103 was destroyed over Scotland, I called the families of seven young people from Maryland who were brutally and callously murdered. We recently marked the tenth anniversary of this terrible crime—and we are still seeking justice. I also think about a young Navy diver from Maryland—Robert Stethem—who was murdered in a terrorist attack in 1985. The victims of terrorism deserve justice that is not watered down.

The second reason I oppose clemency is that I am not convinced that the terrorist have expressed sufficient remorse. Each of these individuals had many years to express remorse and renounce violence. I haven't heard that the FALN terrorists have changed their lives to reflect a change of heart. I haven't heard about any apologies or expressions of regret. Their renunciation of terrorism was tepid. It came only in exchange for their freedom. I don't consider this true remorse. I don't consider this worthy of clemency.

So I will support this resolution to disapprove of clemency for terrorists. I am sorry that the President chose to shorten the sentences of terrorists who feel justified in using violence to achieve their political goals.

Ms. COLLINS. I rise today to condemn the President's use of the Constitutional power to grant clemency to FALN terrorists. The members of the Armed Forces of National Liberation, known by their Spanish acronym FALN, were responsible for 130 bombings in the late 1970's and early 1980's. As a result of these FALN actions, six people died, scores of citizens were maimed and injured, and the public at large was petrified by an indiscriminate threat.

The FALN's stated purpose in conducting this reign of terror was to further the cause of Puerto Rican independence. But it virtually goes without saying that there is no justification for this vicious lawlessness that terrorized, killed and maimed human beings. After a Herculean effort on the part of law enforcement and prosecutors, the FALN members were brought to justice and convicted of a variety of serious charges including seditious conspiracy.

Those who suffered at the hands of the FALN, those whose only crime was to be in the wrong place at the wrong time, had names and lives before they had the misfortune to encounter an FALN-placed bomb. But their lives were ended or irrevocably altered by senseless actions. The law enforcement officers and prosecutors who brought the FALN to justice placed themselves at personal risk in their effort to protect the public from the terror of the FALN bombings.

On August 11th, the President unexpectedly offered clemency to 16 FALN members. Their release was conditioned on each prisoner renouncing violence, obeying a ban on the use of weapons, and refusing fraternization with independence leaders. Unbelievably, it was indicated that these vague promises would release these individuals from their sentences—a privilege that he has granted only three times previously. And even more unbelievably, these promises were not forthcoming.

The President made this clemency offer despite the fact that he was advised against it by the FBI, the Bureau of Prisons, and two United States Attorneys.

The President made this offer despite the fact that the jailed FALN members had illustrated no remorse for their actions. This became painfully clear on this past weekend's ''Meet the Press'' where Ricardo Jimenez, one of the freed conspirators, appeared. Mr. Jimenez identified himself as a freedom fighter and justified his criminal actions as a remedy for Puerto Rican ''colonization.''

Mr. Jimenez is not unique among the FALN conspirators in his utter lack of remorse for the terrorist bombings. Unbelievably, in fact, Bureau of Prison audiotapes have captured several of the former FALN members recently released from prison saying they would return to violence upon release.

By releasing prisoners convicted of serious crimes, for which they showed no remorse, based on only the promise that they will not commit such crimes again, the President has undermined the standard for eligibility for the extraordinary remedy of clemency.

There is no recourse from the President's action, which was based on his unquestioned Constitutional authority. The Senate can only express our sentiment that his actions were appalling and dangerous. Therefore, in the strongest possible terms, I support the resolution offered today condemning the President's action.

• Mr. GREGG. Mr. President, I want to make clear that, while I was not able to vote on S.J. Res. 33, I am very much in favor of this resolution and I am pleased that it passed today. Had I been present, I would have voted in favor of it. It is important for the Senate to voice its concerns about the President's actions when they infringe on our Nation's best interests. Given the long and disturbing history of the FALN terrorists who were recently released, I believe that this President's actions with regard to those terrorists did, in fact, undermine our Nation's policies against terrorism.

On January 24, 1975, a New York city tavern was ripped apart by a bomb that killed 4 people and injured more than 50 others. A radical Puerto Rican nationalist group known as the Armed Forces for National Liberation (FALN) claimed responsibility for the act and was later implicated in more than 100 bombings across the United States. Several detectives were maimed as a result of these bombings and suffer to this day from the terrorism perpetrated by FALN.

Sixteen FALN terrorists were eventually convicted in the 1980's for violent offenses related to the bombings, including armed robbery, weapons violations, and seditious conspiracy, a rarely invoked but powerful criminal charge reserved for people whose intent is to undermine the Government of the United States.

Their history makes it clear that FALN was a dangerous terrorist faction whose members deserved the punishment they received. It is for these reasons that I was appalled when President Clinton offered to give these terrorists an early release from prison, ignoring unanimous opposition from federal law enforcement professionals and

siding with liberal human rights activists and Puerto Rican nationals. Eleven FALN terrorists were released from federal prison last Friday.

As you know, Mr. President, I chair the Senate Appropriations Subcommittee on Commerce, Justice, State and Judiciary, which funds the FBI and other law enforcement agencies that are responsible for our Nation's counterrorism strategy. Over the last few years we have significantly increased the resources available to law enforcement and now have in place for the first time a coordinated, government wide strategy to deter and respond to terrorism. Releasing convicted terrorists before they serve their full sentence sends the wrong message about how our Nation will deal with people who use violence to achieve their political objectives.

There is no question that the President has the authority under the Constitution to grant pardons and reprieves for offenses against the United States. Once a pardon or clemency offer is official, no one can reverse or overturn the decision, not even the Congress or the Supreme Court. Given the magnitude of this power, the question that should be asked is why the President would use it to give convicted terrorists an early release from prison, especially the fact that President Clinton has reduced sentences in only 3 out of 3,042 prior cases.

Hearings will be held in this body and in the House of Representatives in the next few weeks, and they should aggressively question the administration's reasons for this act. These hearing should explore how the clemency offer supports the State Department's antiterrorism policy which states that the United States shall ''make no concessions and strike no deals and will bring terrorists to justice for their crimes.''

The primary argument for clemency appears to be that none of the 16 FALN members were directly involved in any of the bombings. However, almost all of them were convicted for seditious conspiracy—the purpose of which was to wage a campaign of terror against the United States Government. Osama bin Laden may not have lit the fuse that detonated the bomb, but his participation in a conspiracy to commit these acts would be enough to incarcerate him for life. In addition, the Clinton administration contradicts its tough stance on gun violence by releasing these terrorists, almost all of whom were convicted of various gun violations, including armed robbery.

Another explanation floated by the administration is that the sentences are too stiff. The President's early release certainly changes that. Eleven of the convicted FALN members are now free. Two others will serve additional time, and three others will be released from paying the remainder of their criminal fines. However, the sentencing judge's decision to order maximum prison terms was based on the evidence in the case and the fact that none of the FALN members showed any remorse for their acts at the time of sentencing. One sentencing judge indicated that he would have ordered the death penalty for one of the terrorists who showed no regret for his acts, but it was unavailable as an option. It is presumptuous for the President to grant clemency on the grounds that the federal judge who heard the testimony and saw the evidence firsthand imposed a sentence that was too severe.

In fact, Oscar Lopez-Rivera, one of the FALN terrorists that President Clinton offered to release early, had this to say in an interview with the Associated Press last year,

> I have no regrets for what I've done in the Puerto Rico independence movement . . . This onus is not on us. The crime is colonialism. . . . If Puerto Rico was not a colony of the United States, I would have had a totally different life.

Mr. Lopez-Rivera was convicted of numerous charges, including weapons violations and conspiracy to transport explosives with intent to destroy government property.

Our judicial system also provides an absolute right of appeal for criminal convictions. Superseding the judicial system should be reserved for cases in which the facts are clear and the benefits of release outweigh the dangers. That balancing test is not met in this case.

Many people have speculated that the President's decision was an effort to woo the large Puerto Rican constituency in New York where Mrs. Clinton is likely to run for the U.S. Senate. It is not too much to imagine that the Clinton administration would jeopardize our national security to court potential voters based on their record of politicizing federal agencies, so I believe it should be examined during congressional hearings as a possible motivating factor.

One of our government's primary responsibilities is to safeguard the freedom and liberty of its people. Given the growing terrorist threat around the world, now is not the time to go easy on convicted terrorists. Over 700 people died last year and more than 6,000 were wounded from the embassy bombings in Kenya and Tanzania last year. The World Trade Center bombing and the Oklahoma City bombing are fresh reminders of the violence that can be wrought by terrorists. Releasing terrorists before they serve their full sentence sends the wrong message and undermines our nation's tough stance against terrorism.●

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on this debate?

The PRESIDING OFFICER. There are 39 minutes remaining, with 16½ minutes remaining on the Senator's side.

THE REMAINING SENATE BUSINESS

Mr. DURBIN. Mr. President, one of the items previously discussed deserves further exploration; that is, the whole question of what we are going to do in the closing weeks to meet the Senate's obligation to the people of this country, to deal with the most basic responsibilities of this Chamber.

The most basic responsibility, of course, is to meet and pass the spending bills necessary for the orderly operation of the Federal Government. For those who are not students of the process, the fiscal year that we work under starts on October 1, and we are supposed to pass 13 different spending bills so that come October 1, the actions of Government can continue their business. This is our ordinary responsibility.

So we meet on September 14 to discuss a lot of issues of importance. But the American people have the right to ask us what we have done about our basic responsibility to pass the spending bills for the next year. The honest answer is, of 13 bills, we have only passed and had signed into law one bill, and that is the military construction bill. All of the other activities of the Federal Government, frankly, are still in play. They are being debated on Capitol Hill. It is a sad commentary on those who manage the House and the Senate that we have not made more progress. In fact, closer inspection suggests to us that there are some serious problems ahead.

Anyone who followed the proceedings last year knows that a similar situation led to a mountainous piece of legislation called a continuing resolution. If I am not mistaken, it was some 10,000 pages long and it was literally dropped in our laps with 48 hours to go and we had to read it, vote yes or no to continue the operations of Federal Government, and go home or stay here. It was chaotic.

At a time when we have a Federal Government and a Congress with a responsibility, a staff and resources, it is hard to imagine we are about to repeat that scenario of last year. But it looks as if we are headed in that direction.

The sad fact is that one of the more sinister games being played is that one of the most important spending bills for American families—the bill that contains, for example, education spending for the United States of America—is being held hostage as the last spending bill which we are going to consider. As each appropriations bill that needs money comes along, it is taken from this education and health bill and put into another bill.

The day of reckoning is upon us in the not-too-distant future where we will face the possibility of another continuing resolution.

I am disappointed the Senate has not responded to the challenge by the President in his State of the Union Address and, frankly, challenge by the people of this country to address some