

National Forest System exceeds harvest by 600 percent.

I stand firmly with those who have cast their opposition today against this amendment and encourage my colleagues to reject it.

DEPLORING THE GRANTING OF CLEMENCY—MOTION TO PROCEED—Resumed

Mr. THURMOND. Madam President, I rise to express my strong opposition to the President's decision to commute the prison terms of 16 members of the FALN, a Puerto Rican terrorist group. I also strongly support S.J. Res. 33, which expresses the Senate's opposition to this misguided decision.

There is no question that the President has the Constitutional power to do what he did. The President receives thousands of requests per year for a pardon or clemency, and the Department of Justice has a standard procedure under which the Pardon Attorney reviews these requests each year. However, all indications are that the procedures were not followed in these cases, and that these cases were anything but routine.

News reports indicate that the Justice Department did not make a recommendation for or against clemency in these cases like it normally does. There is no excuse for the Department to stand neutral on very significant requests such as these. Also, the terrorists apparently did not personally take the proper steps to seek the relief, given that one of the conditions for clemency was that the prisoners had to sign statements requesting it.

Although the White House says the members were not convicted of committing murder or physical injury, it is clear that these criminals were actively involved in the militant group. Making bombs and transporting firearms designed to carry out the reign of terror, or committing armed robbery to finance the deeds, is not fundamentally different from personally harming innocent victims. They were conspirators in the FALN, a terrorist group, and they received stiff prison terms for good reasons.

News reports indicate that the law enforcement organizations that reviewed the issue, including the FBI and Federal Bureau of Prisons, recommended against it. Also, law enforcement organizations have expressed strong opposition.

The opposition is based on good reasons. America has long had a firm policy of intolerance regarding terrorism. Granting clemency to members of the FALN sends the wrong message about America's commitment to fighting terrorism. In fact, it sends the wrong message about America's commitment to fighting crime at home.

It is telling that the FALN terrorists did not immediately agree to the sim-

ple conditions that the President placed on his generous offer. It took them weeks to agree to renounce the use of violence and submit to standard conditions of parole. Indeed, some never did. Moreover, it does not appear that they have even expressed regret or remorse for their crimes. This is clear from one of the members' appearance on a Sunday news program, where he refused to express sorrow or regret for his crimes.

An obvious question we must ask is whether the President will continue to grant clemency in a way contrary to American interests. I sincerely hope the President will not pardon or commute the sentence of convicted Israeli spy Jonathan Pollard. I sent the President a letter last week asking him to clearly affirm that he will not do this.

I hope the Senate today will invoke cloture on the resolution and express our profound opposition and concern regarding this matter.

Mr. LEAHY. Madam President, the Hispanic whose actions and fate I would like the Senate to focus on for action is Richard Paez. Richard Paez has never been convicted of a crime and is not associated with the FALN. He is not a petitioner seeking presidency clemency. Rather, he is a judicial nominee who has been awaiting consideration and confirmation by the Senate since January 1996—for over 3½ years.

The vacancy for which Judge Paez was nominated became a judicial emergency during the time his nomination has been pending without action by the Senate. His nomination was first received by the Senate almost 44 months ago. This nomination has now been held even longer than the unconscionable 41 months this Senate forced Judge William Fletcher to wait before confirming his nomination last October.

Judge Paez has twice been reported favorably by the Senate Judiciary Committee to the Senate for final action. He is again on the Senate calendar. He was delayed 25 months before finally being accorded a confirmation hearing in February 1998. After being reported by the Judiciary Committee in March 1998, his nomination was held on the Senate Executive Calendar without action for over 7 months, for the remainder of the last Congress.

Judge Paez was renominated by the President again this year and his nomination was stalled without action before the Judiciary Committee until late July, when we were able to have his nomination reported again. The Senate refused to consider the nomination before the August recess. I have repeatedly urged the Republican leadership to call this nomination up for consideration and a vote. If they can make time on the Senate floor for debate and consideration of a Senate resolution commenting on the clemency

grant, which is a power the Constitution invested in the President without a congressional role, the Senate should find time to consider the nomination of this fine Hispanic judge.

Judge Paez has the strong support of both California Senators and a "well-qualified" rating from the American Bar Association. He has served as a municipal judge for 13 years and as a federal judge for four years.

In my view Judge Paez should be commended for the years he worked to provide legal services and access to our justice system for those without the financial resources otherwise to retain counsel. His work with the Legal Aid Foundation of Los Angeles, the Western Center on Law and Poverty and California Rural Legal Assistance for nine years should be a source of praise and pride.

Judge Paez has had the strong support of California judges familiar with his work, such as Justice H. Walter Crosky, and support from an impressive array of law enforcement officials, including Gil Garcetti, the Los Angeles District Attorney; the late Sherman Block, then Los Angeles County Sheriff; the Los Angeles County Police Chiefs' Association; and the Association for Los Angeles Deputy Sheriffs.

The Hispanic National Bar Association, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials, and many, many others have been seeking a vote on this nomination for what now amounts to years.

I want to commend the Chairman of the Judiciary Committee for his steadfast support of this nominee and Senator BOXER and Senator FEINSTEIN of California for their efforts on his behalf.

Last year the words of the Chief Justice of the United States were ringing in our ears with respect to the delays in Senate consideration of judicial nomination. He had written: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." Those words resonate with respect to the nomination of Judge Paez.

I trust the American people recognize who is playing politics with the issue of clemency. I disagreed with the President's decision, but it was his to make. He says that he granted clemency with conditions after study and based on a sense of proportion and justice. The calls for clemency in these cases came from Bishop Tutu, Coretta Scott King, other Nobel peace prize winners, a number of churches and religious groups. It has drawn praise in some circles and criticism in others.

I do not agree with the President, but I caution that the overreaching by Republican critics in the Congress on this is worrisome, as well. To contend that this shows a weakness of resolve against international terrorism is both wrong and may itself be creating a dangerous atmosphere.

We ought to be careful when anyone, let alone the Senate and Congress of the United States, start 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. Could a potential terrorist somewhere in the world believe this political rhetoric and be "emboldened" by it? This is risky business. I do not believe the short-term political gain to the other party is worth having the Senate endorse a resolution that might itself have precisely that effect.

The Senate cannot find time to vote on the nomination of Judge Richard Paez or that of Bill Lann Lee to head the Civil Rights Division of that of Justice Ronnie White to be a federal judge in Missouri or any of 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 to consider campaign finance reform or pass a real patients' bill of rights or consider raising the minimum wage or reforming Medicare or complete the juvenile crime bill conference, but there is plenty of time for floor debate and on the President's decision to exercise his clemency power. The Senate has had three hearings on judicial nominations all year and the Republican Congress will have that many hearings on the clemency decision this week.

In closing, I ask: If the Senate has the time to debate and vote on this resolution, why does it not have time to vote on the nomination of Judge Richard Paez to the Ninth Circuit?

Mrs. FEINSTEIN. Madam President, I rise to address Senate Joint Resolution 33, regarding the President's granting of conditional clemency to certain Puerto Rican prisoners.

Before addressing the merits of this resolution, I must note that I am troubled by the procedure which has been employed for its consideration. Almost two weeks ago, Senator COVERDELL announced that he would hold a hearing on President Clinton's decision in the Terrorism Subcommittee of the Senate Foreign Relations Committee, this coming Wednesday, September 15. Last Wednesday, the Judiciary Committee also gave notice of a hearing on this

subject for September 15. However, notwithstanding these planned hearings, the Republican leadership filed this resolution condemning the clemency and scheduled a vote related to it for today.

Holding a vote before the hearings is akin to having the verdict first, and then the trial.

Nevertheless, since we must vote, I will address the merits of the President's decision, based upon the information which is available to me before the hearings.

At the outset, let me say that serious, thoughtful people urged the President to offer this clemency. These people include former President Carter; eleven Nobel Peace Prize winners, including Archbishop Desmond Tutu and Coretta Scott King; and dozens of religious leaders and organizations. President Clinton's decision was not a frivolous one, nor did it appear from out of thin air.

However, that having been said, I believe strongly that the decision the President made was the wrong one.

In the post-Cold War era, terrorism presents perhaps the greatest threat to our national security. As Ranking Member of the Terrorism Subcommittee of the Judiciary Committee, I have done what I can to assist law enforcement in combating terrorism.

These prisoners were terrorists, and granting them leniency is exactly the wrong thing to do. We have tried in recent years to send a clear, unequivocal message to terrorists: if you plan or commit acts of terrorism against the United States, we will find you, hunt you down, and punish you severely. Until this point, President Clinton's administration carried this message forward forcefully, including, for example, apprehending and punishing the Oklahoma City bombers and taking retaliatory strikes against Osama bin Laden. However, the President's decision last month undermines this message.

Some have described these prisoners as political prisoners. They were not. They were terrorists. Let me describe for a minute some of what they did.

These prisoners were members of the FALN, the Armed Forces for National Liberation, which seeks to make Puerto Rico and independent nation, through violent means. While some of them will not admit it, this was alleged and proven in the trials against them.

According to the FBI, and I quote, "In the past, Puerto Rican terrorist groups struggling for Puerto Rico's independence from the United States have been responsible for the majority of terrorist incidents perpetrated by domestic terrorist groups within the United States." The FBI's Terrorist Research and Analytical Center reported in 1996 that the "FALN has been linked to over 130 bombings which have

resulted in over \$3.5 million in damages, 5 deaths, and 84 injuries."

The prisoners who received clemency were active participants in this campaign of terror. For instance, Alejandrina Torres, Edwin Cortes and Alberto Rodriguez were convicted of conspiring to, and I read now from the indictment against them, "oppose by force the authority of the government of the United States by means of force, terror and violence, including the construction and planting of explosive and incendiary devices at banks, stores, office buildings and government buildings . . . It was a further part of the said conspiracy that the conspirators would claim credit in the name of the FALN for certain . . . bombings through either telephone calls or typed communiques." This is classic terrorist activity.

As part of this plot, Torres and Cortes stockpiled dynamite, weapons, blasting caps and bulletproof vests. Together with Rodriguez, they planned to bomb U.S. military facilities in the Chicago, cased the facilities, and reviewed a communique to be published in conjunction with the planned bombings. They built bombs containing 21 pounds of dynamite. They also planned to use explosives to free FALN leader Oscar Lopez (who also was offered clemency by the President) from prison, to rob a Chicago Transit Authority facility to fund FALN operations, and to harbor another FALN leader who had escaped from prison.

Four others who were offered clemency were convicted in connection with the armed robbery of seven million dollars from a Wells Fargo depot, to fund a similar Puerto Rican revolutionary independence group, Los Macheteros. This is an organization that ambushed a Navy bus and killed two U.S. servicemen and launched a rocket attack at the federal courthouse in Hato Rey, Puerto Rico.

Madam President, building bombs and committing armed robberies on U.S. soil are not political acts. They are crimes, plain and simple, and these people were appropriately locked up for their offenses. It should make no difference that the prisoners had political motivations which some may share. Virtually all terrorists are politically motivated, and many justify their acts in the cause of "national liberation." But terrorism is a cowardly and evil means to achieve such ends, which can never be justified, and which must be punished harshly.

It has been reported that the clemency petition was opposed by the FBI and the Bureau of Prisons. The Fraternal Order of Police has vehemently condemned this offer, calling it a "horrendously bad idea."

Clemency proponents have asserted that these prisoners harmed no one. A former Assistant U.S. Attorney who prosecuted some of these FALN members counters this assertion, noting: "A

few dedicated federal agents are the only people who stood in their way. The conspirators made every effort to murder and to maim. It is no small irony that they should be freed under the guise of humanitarianism.'

History has shown us that making concessions to terrorists spurs increased terrorism. The President made the wrong decision. I hope and pray that his decision will not have this effect, but I fear it will.

Despite the flawed procedure, I will vote to proceed to Senate Joint Resolution 33, and I will subsequently vote for its passage. Terrorism does not deserve leniency.

• Mr. HATCH. Madam President, 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 street.

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 pray that no one else gets 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 Attorney General Janet Reno do her job?

Media reports suggest that—notwithstanding the strong opposition of prosecutors, the FBI, the Bureau of Prisons, and the victims of crime, the Department of Justice and the Attorney General apparently did not 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 believes we should have these documents. But, so far, the Department has refused to turn over anything.

The Department and the Attorney General 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.

I will hold a hearing on the matter next Wednesday, September 15, at

which time we will hear from the law enforcement community and those negatively affected by this grant of clemency.

I believe, Madam President, that our entire nation is 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?

I'll tell you what it is—it is wrong. •

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists:

Trent Lott, Conrad R. Burns, Ted Stevens, Peter Fitzgerald, Jim Bunning, Larry E. Craig, Michael D. Crapo, Chuck Hagel, Fred Thompson, Bill Frist, Michael B. Enzi, Judd Gregg, Craig Thomas, Jesse Helms, Pat Roberts, and Paul Coverdell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton regarding the granting of clemency to FALN terrorists, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. HELMS) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—93

Abraham	Ashcroft	Biden
Akaka	Baucus	Bingaman
Allard	Bayh	Bond

Boxer	Gramm	McConnell
Breaux	Grams	Mikulski
Brownback	Grassley	Moynihan
Bryan	Gregg	Murkowski
Bunning	Hagel	Murray
Burns	Harkin	Nickles
Byrd	Hollings	Reed
Campbell	Hutchinson	Reid
Chafee	Hutchison	Robb
Cleland	Inhofe	Roberts
Cochran	Inouye	Rockefeller
Collins	Jeffords	Roth
Conrad	Johnson	Santorum
Coverdell	Kennedy	Sarbanes
Craig	Kerrey	Schumer
Crapo	Kerry	Shelby
Daschle	Kohl	Smith (NH)
DeWine	Kyl	Snowe
Dodd	Landrieu	Specter
Domenici	Lautenberg	Stevens
Dorgan	Leahy	Thomas
Durbin	Levin	Thompson
Edwards	Lieberman	Thurmond
Feingold	Lincoln	Torricelli
Feinstein	Lott	Voinovich
Fitzgerald	Lugar	Warner
Frist	Mack	Wellstone
Gorton	McCain	Wyden

NOT VOTING—7

Bennett	Hatch	Smith (OR)
Enzi	Helms	
Graham	Sessions	

The PRESIDING OFFICER (Ms. SNOWE). On this vote, the yeas are 93, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1603 to Calendar No. 210, H.R. 2466, the Interior appropriations bill.

Trent Lott, Kay Bailey Hutchison, Gordon Smith of OR, Thad Cochran, Larry E. Craig, Bill Frist, Michael Crapo, Don Nickles, Craig Thomas, Chuck Hagel, Christopher Bond, Jon Kyl, Peter Fitzgerald, Pete V. Domenici, Phil Gramm, and Slade Gorton.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, in view of the fact that seven of our Members are missing, I ask unanimous consent to move the cloture vote to tomorrow following the votes at 10:30.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, there will now be 5 minutes of debate equally divided between the Senator from Texas and the Senator from California.

Mrs. BOXER. Madam President, I ask if Senator HUTCHISON would like to go first?