casualties, and place our nation's vital interests at risk.

Realistic training under live fire conditions is a necessity to ensure our men and women are afforded every possible advantage over their potential adversaries.

Sincerely,

WESLEY K. CLARK,
General, USA.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Has the Senator from Virginia concluded his comments?

Mr. WARNER. Correct.

Mr. THOMAS. I yield to the Senator from New Hampshire as much time as he needs.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Senator from Wyoming for his courtesy in yielding to me.

OUR DOMESTIC TERRORISM POLICY

Mr. GREGG. I rise today to talk about the recent clemency decision, pardon decision by the President, relative to 16 Puerto Rican terrorists. This occurred on September 10.

There has been a lot of discussion in the newspapers and amongst people generally as to the reasons for this, as to the background of why this occurred, and as to the political implications within the election cycle as to what were the real causes. But that is not what I want to talk about.

What I want to talk about is the effect of this action by the President on our domestic terrorism policy and our preparedness to deal with domestic terrorism. The committee that I chair, the Commerce-State-Justice Committee, has spent a great deal of time trying to build an infrastructure to address the threat of terrorism.

Regrettably, we know as a nation that some time in the coming years we will be subjected to another terrorist attack. That is the nature of the times that we live in. Regrettably, it is even possible that such an attack may be a chemical or biological attack or an even more threatening attack.

We have attempted over the last 3 years to develop a coherent, thoughtful strategy for how to get ready for, to anticipate, and to hopefully interdict an attack and, should an attack occur, to respond to such a terrorist event. We have set up a system of developing a policy of addressing the issue of terrorism as a result of that.

The decision by the President to free these terrorists who were jailed for terrorist activity has fundamentally undermined this effort at reforming and preparing for the terrorist threat in the United States.

Stated simply, the question has to be: How can you claim you are being tough on terrorism if you free terrorists from your jails?

Today, we held a hearing in my committee, in the committee that I chair. We heard from the director at the FBI, Neil Gallagher, the director of the bureau dealing with terrorism. He is their expert on it. And we heard from Patrick Fitzgerald, the head of the terrorism bureau in the U.S. attorney's office in the city of New York. These two individuals talked about the policy implications and the effect of the decision by this President to free these terrorists.

I want to review a little bit of what the testimony was because it was startling and it was serious, and it shows that the implications of this decision by the President could have a very broad-reaching impact on the lives of Americans.

First off, we discussed the issue of what type of terrorist act these folks participated in relative to the decision for clemency. The decision for clemency has been represented in the press by the White House public spokespersons as having been made because these people were not actually involved in a violent act or, if they were involved in a violent act, they were not charged with participating in a violent act; therefore, they really were not that bad is essentially the defense that the administration makes for giving clemency to these 16 terrorists.

First off, it should be pointed out the FBI agent recited that these individuals participated in activities which led to the death of five different individuals as a result of bombings and terrorist attacks, which also led to the injury of 83 individuals, many of them U.S. service people who were directly attacked by the organization, the FALN, that also represented millions of dollars of property damage and spanned a period of approximately 10 years of violent action against the United States, citizens of the United States, and military and police personnel of the United States, leading to the death and the maiming of American citizens by the actions which were participated in by these 16 individuals. Yes, they were charged and convicted, in most instances, of something less than actually pulling the trigger—no question about that.

So I asked the U.S. attorney from New York, what was Sheik Abdul-Rahman, who was the orchestrater of the World Trade Center bombing, charged with? Was he present at the scene? Did he pull the trigger? Did he light the fuse that blew up the World Trade Center?

Of course, the U.S. attorney said, no, he was not there. He is blind. He was charged with seditious conspiracy—the same thing that the Puerto Rican terrorists from the FALN were charged with.

Then I asked him: What was Terry Nichols charged with, who was not at the scene of the explosion in Oklahoma City where so many Americans were killed but, rather, who aided the individual who undertook that specific act? And he said he was charged with seditious conspiracy.

Then I asked, if we bring to trial Osama bin Laden—and an indictment has been brought back against Osama bin Laden—who perpetrated the attacks on the American embassies in Kenya and Dar es Salaam—and that indictment is not for lighting the fuse or being at the scene of the crime but for conspiracy to participate in the crime—all of these major terrorists who have caused huge harm to American citizens and to the American institution of Government, to our free democratic form of government were not on the scene of the crime any more than were the Puerto Rican terrorists, at least as they were charged and convicted. Rather, they were all, with the exception of Bin Laden because he wasn't American, he wasn't on American soil. But the tenor of the charges being, they were all essentially charged with seditious conspiracy—all 16, I believe, FALN members, the sheik, Mr. Nichols, and Bin Laden.

So if the logic of the White House is—the logic of the President is—well, these aren't such bad people because they weren't convicted of actually killing the police officers, of actually maiming the police officers, of actually undertaking the heist of the armored cars, of actually attacking the U.S. Navy personnel and killing them, of actually killing the individual, Mr. Connor, in Chicago, of actually maiming the 83 other people who had been injured by these folks, because they weren't actually charged and convicted of that, and therefore they should be given clemency because their charge is a lesser charge, then the White House and the President are going to have to explain why the White House, why the President, is not giving clemency to Sheik Abdul-Rahman, Terry Nichols, and why they are even going forward with the prosecution of Bin Laden.

The defense of the White House on that point simply does not stand. These people participated in acts of terrorism, orchestrated acts of terrorism, and should not be let out early as a result of having not been convicted of actually being physically on the site of the terrorist event any more than we should let out Sheik Abdul-Rahman, Terry Nichols, or Bin Laden should we be successful in prosecuting and convicting him.

That was the first point. But it flows into the second point, which is, What is the effect of these clemencies on our ability as a nation to defend ourselves against other terrorist acts?

The U.S. attorney from New York made a lot of excellent points. He said they are going to keep working hard, they are going to keep trying to prosecute, and they will aggressively prosecute to the fullest extent of their ability any terrorist they can charge and convict. And I congratulate them for that. But he also made the point, he said, you know, their decision could be misconstrued in foreign capitals around the world, and this decision for clemency could have an impact on how

trials are undertaken of terrorists in our country.

So I followed that up. I asked Agent Gallagher: What impact will this have on our ability to deal with foreign countries?

A great deal of our capacity to be successful in terrorism interdiction requires that our FBI agents overseas—and we have been expanding our FBI presence overseas, and our CIA and our State activities overseas—have the confidence of the countries they are dealing with—the police officers in those states, the law enforcement agencies in those states—that when they are given information which may lead to them having the capacity to act against a terrorist group by bringing them to trial and maybe extraditing them to the United States, that foreign official or country has the confidence that our legal system and our political system is going to handle this terrorist aggressively and they aren't going to let that person out so that someday they may come back to that country and take retribution for having had that country assist us in capturing them.

This is a huge issue for our law enforcement agencies because without that sort of confidence, they can't get the cooperation they need in order to get the intelligence they need in order to capture these people before they act against us, against our country.

The U.S. attorney, supported essentially by Agent Gallagher of the FBI, said essentially many countries may misread this decision on clemency—a generous way to say it. What they were really saying was: Yes, this has now created a problem for us; when our agents go overseas to try to interdict terrorists, we are going to have to deal with that foreign government, with that foreign official saying to us: Why should we cooperate with you? Your President frees terrorists for political reasons. Why should we cooperate with you and put our political system at risk by maybe having that terrorist return to our streets as a result of your President's clemency action?

Then the U.S. attorney made another point: In the trial of terrorists, I do expect that the defense attorneys will use this decision on clemency in their defense of their clients, which is only reasonable. If you were a trial attorney and you were representing Sheik Omar Abdul-Rahman, or you were representing Terry Nichols, or you were about to try the Bin Laden case, you would say they were charged with the same crime for which the President just released 16 people. So why should my client have to go to jail when the President just let 16 of these people out for the same crime, seditious conspiracy?

Although it may not be definitive, it will certainly have an impact on the trial activity. And this point was made rather bluntly.

Another question that comes to mind is: When the decision was made to proceed with clemency, since these folks had not been convicted of actually pulling the trigger which killed the 5 individuals involved here, or maimed the 83 others, or caused the robbery of the armored car, or did the other millions of dollars' worth of damage to places such as the Fraunces Tavern that they blew up—I think there were 70 different incidents of bombings—before these people were released, did the White House have the courtesy to come to the FBI or any other law enforcement agency and say: Hey, we are going to give these folks clemency, but why don't you go talk to them and find out what really happened and who really is responsible. And if there is anybody out there on the street we should be picking up and arresting for the actual event, is there anybody we missed? Is there any intelligence we could gain?

This is very typical. This is not an unusual situation. Before you release someone on parole, you expect that person to be cooperative. There is usually a quid pro quo in a parole situation. Since clemency is a much broader event of freedom than parole, you don't answer to anyone in any instance of clemency. I am not sure what the rules were which were set down on this, but I suspect there is very little oversight, considering how the White House handled these individuals. Shouldn't they have at least afforded the FBI and the other law enforcement agencies the opportunity to talk to these individuals before they freed them, so the FBI would have the opportunity to find out the intelligence necessary to go after some of the other people who were bad actors?

For example, there is a fellow named Morales—I think that is his name—who escaped from jail, who was part of their group and showed up at the rally, supposedly, in Puerto Rico to celebrate their return and in between went to Mexico and allegedly killed someone in Mexico. One wonders, if the FBI had been given an opportunity to try to track this fellow down through some information from these folks, whether that wouldn't have been helpful to the cause of law enforcement.

Much more information could also have been obtained by the FBI if they had a chance to talk to these people maybe a little bit before the clemency occurred, which one would think is just good elementary law enforcement.

Although the FBI did not specifically answer this question because they felt it was a matter of executive privilege, communications with the White House specifically stated that they had not interviewed these felons, these terrorists; since the time of their incarceration, the terrorists had not agreed to talk to them and they had therefore not been able to talk to them.

So one assumes that the opportunity was not afforded by this White House to talk to these people and try to find out a little bit more about what was going on—a little information that might help save a few American lives down the road when we get another terrorist from this group, or their ancillary groups. In fact, it is discouraging.

Another point that Agent Gallagher made was that on September 13, 3 days after clemency was ordered for these people, the FBI received a communication from another activist-independence group in Puerto Rico that an individual, whose name I have forgotten, unfortunately, said essentially that they were going to turn to armed activity to make their point relative to the military base—I think earlier being discussed here—on an island off Puerto Rico unless they got their way.

So within 3 days of clemency, you actually have the threat of further terrorist action occurring by a sister or brother organization of the FALN. The threat was directed not only against the military but against the FBI.

The President was able to buy 3 days of peace with this clemency decision and at the same time turn 16 people loose who had participated in the most heinous crimes against American citizens.

I asked what the standard of pardon petitions was in making this decision. Unfortunately, these folks do not specialize in this. They wouldn't know the answer to that question. But I want to read into the RECORD that Presidential pardons are subject to a certain standard. There is a set standard for them.

Under section 1–2.112 of the Standards for Considering Pardon Petitions, there is a sentence that says:

> In the case of a prominent individual or a notorious crime, the likely effect of the pardon on law enforcement interests or upon the general public should be taken into account.

I asked these folks if they felt it was taking into account the effect on law enforcement interests to not advise law enforcement or not give the law enforcement community the ability to interview these individuals. Obviously, it wasn't. Obviously, that standard of pardon was clearly not met—probably wasn't even considered. It didn't have anything to do with politics.

But the most devastating statement made this morning—and I know it took courage to say this because there probably will be some reaction to it, but I think it was a very appropriate thing for Agent Gallagher to say because it is his job to protect us. And when he sees the American people at risk, or when the FBI sees the American people at risk, I think they have to speak up, even if it may affront the sensibilities of the President and the White House.

His summation of the present status of the FALN was: ''As of today, they represent a threat to the United States.'' ''Today they represent a threat to the United States.''

And more importantly, or equally important, the action of this President in granting pardons to these 16 terrorists has impacted our policy on terrorism and fighting terrorism dramatically. It has literally shredded that policy.

We find ourselves now with a terrorism policy which has two standards: Once you are convicted of seditious conspiracy, which is the key offense in terrorism, you may be freed if you have political friends; you will stay in jail if you don't have political friends. If you are a terrorist, go out and find some political friends. It means foreign countries will no longer have the confidence to deal with our law enforcement agencies in releasing information or even physically releasing terrorists to our control for prosecution because they will believe that person could potentially be returned to their shores.

It means trials of terrorists will now be tainted—when the charge of seditious conspiracy is included—by a clemency for 16 people who committed violent acts against the United States and were charged with seditious conspiracy.

It has undermined the morale of those who work on our front lines to protect us from terrorism. And all for what purpose? I see none that can justify this action. I think we should condemn it. I hope we, as a nation, do not have to pay a dear price because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

APPROPRIATIONS AND OVERSIGHT

Mr. THOMAS. Mr. President, I thank the Senator from New Hampshire for sharing the results of the hearing he had this morning. It is one of the real serious issues before the Senate, as is the case with the Senator from Oklahoma when he talks about the military problems in Puerto Rico. We have a lot of things with which to deal.

Most importantly, of course, is finishing our appropriations work. The end of the fiscal year occurs within 2 weeks. We will have at that time all the appropriations bills to the President. We intend to do that. It is difficult, of course, to go through the appropriations process and stay within those boundaries we have given ourselves, to stay within the boundaries of the caps, to stay within the boundaries of available funds and, maybe most important, to stay within spending limits without reaching into Social Security funds, which I think everyone is committed not to do.

There is a great difference of philosophy about how we do this. It seems to me we need to continue to think. There are those who legitimately want to see more government, more Federal Government, more involvement, more programs, and others who believe there ought to be a limited Federal Government—that, indeed, the role of the Federal Government is limited.

I had the opportunity yesterday to celebrate with four junior highs in my hometown of Casper, WY, the 212th anniversary of the signing of the Constitution. These were 9th graders. It was great fun. Some of them had on Uncle Sam suits in red, white, and blue. They all signed their own copy of the Constitution. One of the issues talked about by these 9th graders was the 10th amendment. The 10th amendment says the Federal Government's duties are spelled out in the Constitution. If they are not, they are left to the States or the people. It was interesting to talk about that. These young people who read that say: What are some of the things that our Government is doing? Of course, there is a legitimate debate about that.

Each year, as we come into the appropriations process, it seems to me we miss an opportunity to have evaluated where we want to go, what we legitimately want to do, and then fund it. Unfortunately, we get into the funding proposition before we have decided what it is we want to do; maybe more importantly, before we have had the opportunity to measure the effectiveness of what is in place.

That is one of the reasons many Members are seeking to have a biennial budget—so that the appropriations process only takes place every other year. In that case, agencies have a longer time to know what their budget is.

The key is that the Congress has oversight responsibility. Indeed, it should be looking at the expenditures; it should be looking at programs and setting priorities; it should be decided how effective they are and what the expenditures have been.

We had a little example this morning. About a year ago, three Members asked the GAO to do an examination of the cost of Presidential travel. They came in with their primary report yesterday. Even though there are a great many trips to be made, this President has made more trips than any other President in recent history. We asked that three trips be examined—a trip to Chile, a trip to China, and a trip to Africa—to see what it cost taxpayers.

The trip to Chile. Chile is not too far. There were a couple of stops. It cost $10.5 million; 592 people traveled with the President, 109 from the White House. That was the least expensive trip.

The trip to China last year was almost $19 million; 510 people traveled, 123 from the White House.

These are the type of things at which we need to look. I think it is perfectly legitimate for the President to travel. Is it legitimate to have these costs?

Africa. There was contact with six countries. It cost nearly $43 million to visit Africa. Mr. President, 1,300 people traveled with the President, 205 from the White House.

These are the kind of expenses we should evaluate. These are the things at which we ought to look. These are the areas we ought to say: Yes, there ought to be trips, but $43 million for a trip to Africa is a bit expensive and a little extensive.

That is what the oversight is all about. I think we need to be sure we evaluate those things. We need to see if programs now in place, programs that are now being funded, are still as necessary as they were when they began, or do they need to be changed. There is a constituency that builds up around programs. Any change is resisted. That is not how to run any other business. We have to take a look to see if it is still effective, see what the mission is, see if that mission is being carried out, see if the dollars could be spent more efficiently somewhere else. That is what the budget process is about.

Now we are faced with having put together a budget some time back, about 3 or 4 years ago, and finding ourselves being pushed hard to break through the budget caps put in place at that time, largely through emergency spending. It is legitimate when we have emergencies such as we have had this year with weather.

We are committed not to go into Social Security money. The President has been saying for 4 years: Save Social Security. But he doesn't have a plan. We have a plan to save Social Security. We are going to do our work towards implementing that plan so the dollars that come in have a place to go so they, indeed, are kept for Social Security.

I think the key is the idea of individual accounts, which is what we propose to do. People under a certain age would have an individual account crediting a portion of the money they paid into Social Security. It would be their account, their money, invested in the private sector to return a much higher yield, to ensure that benefits are available. In that way, the money would not be spent for other things, as has been in the past.

It also deals with the fact that such changes have taken place. I mentioned we have to look at programs from time to time. When Social Security began, I think there were 150 people working for every beneficiary. It came down to 30. Now there are about three workers for every beneficiary and headed towards two. The choices in that program have become simple: We have to raise taxes, and most people don't want to do that; reduce benefits, and most people don't want to do that; or we can increase the return on revenue, increase the return on the money that is in the account—in this case, your individual account.

These are the kinds of things that seem to me to be part of the appropriations process, part of the budgeting process. That is what we are facing. It will be difficult to complete that task, but we are dedicated to doing it.

As I indicated, there is a legitimate difference of philosophy. I understand that. We see some of it every day. There are those who believe more spending, more government is better. There are those who believe in the 10th amendment, that more government ought to be closer to the people; that States and communities, and in the case of schools, school districts, have