them for their hard work and their dedication under very trying circumstances. We all remember the sacrifice that each and every one of you have made.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FBI OVERSIGHT

Mr. GRASSLEY. Mr. President, I want to discuss with my colleagues the issue of the Federal Bureau of Investigation oversight, and how we can help the Bureau regain the trust and confidence of the American people.

First, I find it very pleasant today to commend Attorney General Ashcroft for something he did. He announced today action to enlarge the jurisdiction of the Office of Inspector General of the Justice Department so that that Office of Inspector General would be able to work with the FBI and the DEA on its own initiative, without jumping through a lot of hoops which were some hoops that were put in place in the previous administration, which, in a sense, put the FBI and the DEA out of bounds from things that you would expect an inspector general of a department to be looking into.

So, effective immediately, then, the inspector general will have primary jurisdiction over allegations of misconduct against employees of the Federal Bureau of Investigation and the Drug Enforcement Agency. This is an important and encouraging step towards overall FBI reform, one which I hope will help to solve the problems that the FBI has with their management culture.

Previous to this, the inspector general could not initiate an investigation within the FBI, or the Drug Enforcement Agency, without the express permission from the Deputy Attorney General. Contrariwise, in most other Departments, the inspector general can do any investigation they want to, unimpeded in any way. It is very important for the inspector general to have that freedom to function. They are not only an agent for the Cabinet Department head, but they are also an agent of the Congress because they can report directly to the Congress. It is essential to have that type of oversight, that type of policing to ferret out wrongdoing.

I have been saying for many years that the FBI should not be allowed to police itself, and I am encouraged by this new step taken today towards the establishment of a free and independent oversight entity which now, truly, the Department of Justice inspector general will be.

I am also pleased to see as part of this order that the Attorney General has enhanced whistleblower protection for FBI employees who come forward with protected disclosures. As an author of legislation that is on the books now for whistleblower protection, the last time we enhanced the protection for whistleblowers there was just enough sympathy—and unjustified sympathy—within this body for the FBI that somehow the FBI could have a separate set of regulations just for whistleblowers within the FBI. As a result, whistleblowers within the FBI have not had the same amount of protection that whistleblowers in any other agency of the Federal Government might have. So this will also help in that direction. I thank the Attorney General for that.

Today, then, following up on this action of the Attorney General, I have forwarded a letter to Attorney General Ashcroft, commending him on these steps, and also request that his office provide me with additional details regarding how the various investigative and audit entities within the Department of Justice, the FBI, and the DEA are to be administered and organized.

Earlier this week, I had the opportunity to meet with FBI Director nominee Robert Mueller. I discussed with Robert Mueller several concerns that I have with how the Bureau has been managed over the past several years. I also discussed with Mr. Mueller my views on the type of leadership that I think the FBI needs.

We have a once-every-10-year opportunity to find someone who can fix the problems inherent in the management culture at the Bureau because that appointment comes up for a 10-year length of time. I want to make sure, during this once-in-a-10-year opportunity, Mr. Mueller understands my concerns.

Part of our discussion concerned the need for strengthening FBI oversight, both on the part of the executive branch, along the lines of what I have been saying about the inspector general, but also from the Congress—oversight, constitutional oversight over the executive branch agencies.

Without asking Mr. Mueller to comment on pending legislation, I mentioned to Mr. Mueller I am working on a bill to permanently extend by statute the jurisdiction that was given today by the Attorney General to the Department of Justice inspector general, so that some future Attorney General cannot put impediments in the way of the inspector general investigating things within the FBI. I encourage Mr. Mueller, should he be confirmed, to make it a priority to ensure that he and the FBI will cooperate fully with whatever oversight entity is in place.

I also discussed with Mr. Mueller the need for increased whistleblower protection for FBI employees. Over the years the FBI has been notorious for retaliating against those who would expose the types of waste, fraud, and abuse in cases that have now become synonymous with a culture of arrogance within the FBI. These are cases such as Ruby Ridge, Waco, the TWA–800 investigation, the FBI crime lab investigation, Richard Jewell, Wen Ho Lee, Robert Hanssen, and most recently the Oklahoma bombing investigation in the McVeigh case.

I will be introducing legislation that will provide statutory protection for FBI whistleblowers to overcome the shortcomings of the legislation that was signed by President Bush in 1989. Those exemptions that were made from the FBI need to be taken out so the whistleblowers in the FBI have the same protection as whistleblowers in any other agency of Government. I hope the new Director will not only support this important reform but will work to ensure these important reforms are communicated clearly throughout the entire Bureau.

I believe that in order to regain the trust and confidence of the American people, the FBI must be open and fully responsive to differing points of view within its own ranks. More importantly, employees must be able to present these opinions in an atmosphere that is free of retaliation that happens so often against people whom we call whistleblowers.

Basically, within any organization there is a great deal of peer pressure to go along to get along. But that peer pressure also has the capability of covering up wrongdoing and bad administration. That is why the process of people telling the truth and coming out in the open is so important.

Without this freedom, the FBI will only continue to suppress and marginalize those who speak out, and things will go on as they have for so long. That is not good. That is what has brought about a culture of arrogance—of believing within the FBI that the FBI can do no wrong.

Perhaps the greatest example of this type of retaliation against a whistleblower occurred in an investigation I made involving a whistleblower by the name of Dr. Fred Whitehurst. You may remember that when Dr. Whitehurst came forward with proof of abusive practices at the FBI crime lab, he was shamelessly discredited by senior FBI officials. An inspector general investigation—after going through all of those hoops I talked about—later supported the assertions made by Dr. Whitehurst. In an effort to get back his good name, Dr. Whitehurst won a settlement that ended up costing the American taxpayers $1 million.

There is something wrong when a whistleblower comes forward and he is not listened to, and he has to sue, and it costs the taxpayers $1 million to settle. He should have been listened to in the first instance.

We want to encourage an environment within all government agencies,

but particularly the FBI, that wrongdoing is not covered up; that people who whistleblow aren't treated like a skunk at a picnic on a Sunday afternoon, that they are held up as somebody who ought to be honored rather than somebody who ought to be suppressed.

I want to make sure to mention that the comments I make about the FBI today, though, should in no way minimize the great sacrifices made every day by hard-working FBI agents and support personnel. These men and women serve their nation proudly. They deserve an organization that has integrity and credibility.

The FBI management system is broken. This does a real disservice to the hard-working agents on the street. When the FBI does what they are set up to do—to seek the truth and let the truth convict—they do their job right. But when there is an effort to cover up something that has gone wrong and people are more concerned about the headlines and the public relations of the organization as opposed to the fundamentals of law enforcement—that is, these cases and a lot of others I have already listed—that is when their agency gets in trouble and loses credit.

In regard to these agents who do their work and do it right and because of this management culture that must be changed by the new Director, I have asked the Attorney General to provide me with information regarding the extent to which the new FBI Director will be able to institute the departmentwide reforms and to make staffing changes, including changes at the senior staff and management level.

I believe that a new FBI Director will only have a certain period of time—maybe a couple of months—in which he can make real change. In order for the new Director to take advantage of that time, he must be afforded maximum flexibility for staffing and policy setting.

I also agree that we have not done enough in Congress. I am not putting the blame just on the Department of Justice and the FBI. We have a constitutional responsibility of oversight. We spend all of our time legislating, giving speeches, passing laws, voting, and offering amendments. That is what most people think being a Congressman is all about. But also, once laws are passed, the checks and balances of our Constitution require that we do our constitutional job of oversight; that is, to see that the laws are faithfully executed and that money spent appropriated by Congress is spent within the intent of Congress and that the law is enforced within the intent of Congress.

Congress does not do a good enough job. For too long we have seen mishap after mishap occur, with the end result being more money and more jurisdiction for the FBI. The Director of the FBI comes up to Capitol Hill, everybody sees the Director of FBI, and they just melt. The Director of the FBI says a couple of mea culpas and walks out of here with a nice pat on the back, and probably a bigger appropriation.

That is not oversight. That is just business as usual. One way this can be improved is through the creation of a subcommittee within the Committee on the Judiciary that would be directly responsible for FBI oversight.

We need to help the FBI change the kind of culture that places image and publicity before basics and fundamentals. We need to help the FBI change the kind of culture that holds press conferences in high-profile cases before the investigation is complete and all the facts are in, and when all the facts are in, then the FBI has egg on its face.

Yes, the American people deserve the kind of agency that won't make the kind of mistakes the FBI has made in the Wen Ho Lee and the Atlantic Olympic bombing case, and the Waco case and the Ruby Ridge case. But, more importantly, the American people deserve an agency that is honest and forthright about their errors; in other words, very transparent.

As one of our Supreme Court Justices said 80 or 100 years ago, the best disinfectant is sunshine. Let the Sun shine in and there won't be mold. That is transparency. That is the way the American Government ought to operate.

I look forward to getting down to the business of helping the FBI and its next Director regain the trust and confidence of the American people.

I yield the floor. I thank the Presiding Officer for waiting for me to speak tonight.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow, Thursday, July 12, 2001.

Thereupon, the Senate, at 8:23 p.m., adjourned until Thursday, July 12, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 2001:

THE JUDICIARY

JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE CHARLES R. WOLLE, RETIRED.

MICHAEL J. MELLOY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE GEORGE G. FAGG, RETIRED.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI, VICE NEAL B. BIGGERS, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 11, 2001:

DEPARTMENT OF STATE

PIERRE-RICHARD PROSPER, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

CHARLES J. SWINDELLS, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

WENDY JEAN CHAMBERLIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

WILLIAM S. FARISH, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

FRANCIS XAVIER TAYLOR, OF MARYLAND, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

ROBERT D. BLACKWILL, OF KANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

ANTHONY HORACE GIOIA, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

HOWARD H. LEACH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

WILLIAM A. EATON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION).

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

CLARK T. RANDT, JR., OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

DANIEL C. KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

OFFICE OF PERSONNEL MANAGEMENT

KAY COLES JAMES, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

FEDERAL LABOR RELATIONS AUTHORITY

OTHONEIL ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2005.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING STEPHEN K. MORRISON, AND ENDING JOSEPH LAURENCE WRIGHT II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 12, 2001.