invaluable assistance on this most important matter. I think the two of us believe very strongly that there will be no more important a vote than the one we just took. It is important from the standpoint of our national economy; it is important from the point of view of our steel industry; it is important from the standpoint of our workers. I know it was a very difficult vote for many people, but I want to express my public appreciation for their assistance.

I yield the floor.

Mr. DODD. Mr. President, I voted to invoke cloture. It was a difficult vote. The chairman of the Finance Committee and the Senator from New York deserve a great deal of credit for bringing this up the way they did. I regret we didn't get cloture. I think the bill would have needed work, I must say, before it reached final passage, had cloture been invoked.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

Mr. DODD. Mr. President, if I may, I ask what the pending business is in the Senate?

The PRESIDING OFFICER. Under the previous order, up to 15 minutes is allotted to the Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Chair.

Mr. President, it is my understanding that the managers of the pending bill graciously agreed to include one of two of the amendments I had proposed to offer in the managers' package that will be adopted later today. I extend my thanks to Senator BIDEN and Senator HELMS.

Mr. BIDEN. Mr. President, if the Senator will yield, it is true; we have accepted it. It is a very good amendment and we are delighted to do that.

Mr. DODD. I thank the Senator from Delaware. Let me briefly describe what that amendment is, and then I am also going to propose a second amendment, which, again, the chairman of the committee and the ranking member are familiar with. My intent is not to force a vote on that amendment but to raise the issue included in the amendment. The amendment that will be adopted later today would direct the Office of the Inspector General of the Department of State ''to make every reasonable effort to ensure that each person named in a report of investigation by that office be afforded an opportunity to refute allegations or assertions that may be contained in such report about him or her.''

In the interest of accuracy and thoroughness, the amendment would also require the inspector general to include exculpatory information about an individual that is discovered in the course of the investigation to be included in the final report produced by the inspector general.

I am not going to take a great deal of the Senate's time on the specific details of this amendment because I know the managers very much wish to complete action on this bill. But it seems what I have said about this amendment is common sense. One would assume that what I have said would be the case already. If allegations involving a criminal matter would be raised about any citizen of this country, under due process that citizen would have the right to know about those allegations and an opportunity to respond to those allegations, and any exculpatory information would be included in the determination of whether or not to go forward. We would assume that to be the case.

Candidly, I must tell you, when investigations are done by the inspector general at the State Department—and, regrettably, other agencies—that is not the case. So this amendment on this bill is designed to correct the problem at the State Department. It doesn't go any further than that.

I want to thank Senator HELMS and Senator BIDEN for their assistance with this amendment and mention, in particular, that Senator HELMS and I will be including a colloquy for the RECORD that clarifies technical matters with respect to the intent and scope of this amendment. I have proposed this amendment because I truly believe that it will improve the functioning and work product of the Office of the Inspector General in carrying out her investigations.

I also have another motive as well. It is a matter of fundamental fairness, in my view.

Many of the investigations that the IG deals with in the course of her duties would be improved, in my view, were the individuals involved given an opportunity to comment about the information developed in the course of the investigation as it relates to those individuals. Sadly, this is not the general practice of the inspector general, although it does happen in some cases at the discretion of the inspector general. In most cases, a report gets finalized from the inspector general, and the individual never gets a chance to correct what may be factual inaccuracies before a decision is taken to refer the matter to the Justice Department, or to the Director General of the State Department for possible criminal prosecution or for disciplinary action.

I think it is only fair to allow an individual to be provided that information prior to some disciplinary action being recommended, because, frankly, even though there is a grievance process, there is a tendency in the Congress to assume that the inspector general has accurately stated the case and the individual's promotion prospects are put into jeopardy.

The chairman and ranking member know that I propose this amendment in part because I know firsthand that had the inspector general checked out some of the information her investigators erroneously included in one of their reports related to this Senator, that information would never have been part of the report.

In fact, I ask unanimous consent at this point to have printed in the RECORD some correspondence between myself and the inspector general.

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

U.S. SENATE,
Washington, DC, March 6, 1996.

Hon. JACQUELYN L. WILLIAMS-BRIDGERS,
Inspector General, Department of State, Washington, DC.

DEAR MS. WILLIAMS-BRIDGERS: I am writing to you with respect to a report produced by your office late last year concerning an investigation conducted about matters related to the U.S. Embassy in Dublin and the U.S. Ambassador Jean Kennedy Smith—''Special Inquiry, Embassy Dublin, Republic of Ireland, Jean Kennedy Smith, Ambassador, Dennis A. Sandberg, Deputy Chief of Mission, December 29, 1995.''

I am shocked and angered by the cavalier manner in which your office saw fit to include my name in this report eight times, purporting to represent my conversations, comments or intentions with respect to individuals employed at the U.S. Embassy in Dublin, without ever making any effort to contact me or my office for comment. Had you done so, I would have told you in the strongest terms that there was absolutely no truth to the suggestion made in the report that I took or sought to take retribution against individuals in the Embassy because of some policy or personality differences that they may have with Ambassador Smith.

I am certain anyone who reads this report will be shocked to discover that never once was I contacted by your ''investigators.'' It would seem to me that a very basic element of any credible and professional investigation is that anyone who might be able to be shed light on the matter under investigation be contacted, particularly when you intend to include that individual's name in the final report. I wonder how many other individuals whose names are mentioned in this report were never contacted or interviewed by your office? Frankly, the clear misrepresentations contained in the report as it relates to me seriously call into question the quality and integrity of the report in its entirety.

I believe that simple fairness and professionalism dictate that I receive an apology from your office for such unprofessional behavior.

Sincerely yours,

CHRISTOPHER J. DODD,
U.S. Senator.

DEPARTMENT OF STATE,
THE INSPECTOR GENERAL,
Washington, DC, March 8, 1996.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: I am writing in response to your letter of March 6, 1996, and as a followup to our telephone conversation last night concerning our December 29, 1995, Special Inquiry of Embassy Dublin.

Let me begin by stating emphatically that this office is in possession of no information whatever which would suggest that you ''took or sought to take retribution against individuals in the Embassy because of some policy or personality differences they may have had with Ambassador Smith.'' Our intention in the Dublin report was merely to convey the fear that was engendered in the minds of career employees by the clear misuse of your name and position by an individual who purported to speak for the Ambassador. Indeed, while Ambassador Smith

confirmed that she told you about the dissent cable, she emphatically denied that she provided you or anyone else with the names of the dissenters. We have no reason to believe that she did. Moreover, Ambassador Smith herself never suggested to us that you made the critical comments attributed to you by her assistant and, again, we have no reason to believe that you did. Because we believed that your name and title was bandied about without your knowledge or authorization in what amounted to a brazen fear campaign, we never attempted to interview you concerning the matter. That was a clear mistake on our part.

In retrospect, at a minimum, we should have made it absolutely clear in our report that we had no reason to believe the assertions made about you, either with respect to your purported reaction upon being told of the conduct of the Dublin dissenter or with regard to your alleged intention to personally discuss the matter with the affected employees. While we repeatedly used modifiers such as ''reportedly'' when discussing anything relating to what you were alleged to have said, I now realize that we should have provided you with an opportunity to comment. The Boston Herald article of March 5, 1996, clearly demonstrated how mischief could be made of your name in this matter. I apologize for not being more sensitive to how our language could be misconstrued. I intend to use this error constructively to ensure that such a problem does not recur.

The Privacy Act compels us in the normal circumstances to redact names, titles, and identifying information from sensitive reports prior to their public release. Had this report been requested through the Freedom of Information Act or the Privacy Act, we most certainly would have redacted your name and title from the report. We are required, however, to provide, unredacted reports to relevant oversight committees at the Chairman's request.

In accordance with the mandate of the Inspector General Act to keep the Congress fully informed of matters within its jurisdiction, I provided, upon request, copies of the unredacted Dublin Special Inquiry to the Senate Foreign Relations Committee on Wednesday, February 28, 1996. My transmittal letter reiterated that this report had not been reviewed in accordance with the Freedom of Information Act or the Privacy Act for release to the public and that any improper release of information from this report would seriously undermine my statutory responsibilities in the Department.

While I am certain that this is of little consolation to you, I firmly believe that the reason we did not attempt to interview you is that we felt that you had done nothing wrong. I recognize that our subjective judgment in that regard is not necessarily clear from an objective reading of the report. Again, for that I apologize.

Sincerely,

JACQUELYN L. WILLIAMS-BRIDGERS.

Mr. DODD. Mr. President, I was never asked about the allegations, nor apparently was anyone else in this report conducted by the inspector general. The report alleged that I had tried to punish or to harm in some way two State Department employees for using the dissent channel by blocking their promotions internally. When I questioned the IG about the matter, she admitted that her investigators had not done a very professional job. There was not a shred of evidence within the Department to indicate that I had done anything with regard to this matter. I didn't even know who these people were, nor did anyone on my staff.

Had I been given access to those portions of the report as they related to me, I think this mistake would have been caught and it would never have been included in the final report. The inspector general did subsequently apologize to me both personally and in writing. I am grateful to her for that; however, I am not sure that ordinary Foreign Service officers or political appointees would have been given similar treatment, and the damage to their careers and reputations would have already occurred in any event.

That is why I believe this amendment is very important. I thank again Senator HELMS and Senator BIDEN and their staffs for helping put this matter together. This way it would at least allow for people who are charged with these matters to have an opportunity to respond, to know what they are being charged with so that corrections can be made.

Again, I emphasize that if you are not a well-known individual, you might not get the kind of apology and the corrections that I think ought to be made. That is why I believe this amendment is important.

Let me turn, if I can, to a second amendment.

Mr. BIDEN. Mr. President, if the Senator will yield for a moment before he turns to the second amendment, I can't emphasize how important I think the change is that the Senator suggests and the enthusiasm with which we accept the amendment.

I happen to like the Senator's second amendment that he is going to withdraw. I hope that will happen in the remainder of this year. If we can't get it done this year, I hope we can next year. I hope the committee will take a look at the entire functioning of the inspector general's office. Quite frankly, a similar thing came up in my other committee, the Judiciary Committee.

Quite frankly, I think we initiated reforms that were needed a decade or more ago to provide for these inspector generals, and they are throughout the Government, which is a good thing. It is not a bad thing. But what we haven't done, in my opinion, is we haven't given the same kind of scrutiny and oversight into how the offices function as we have, for example, the Attorney General's office, or the overall functioning of the State Department.

I hope this is the beginning of not any kind of witch hunt but just a serious, thoughtful oversight about whether or not the inspector general's authority puts it in a position where it has sort of incrementally involved itself in a way that the rights of individuals who are being looked at or who are caught up in a net are, quite frankly, not treated the way we would expect, for example, the U.S. Attorney's Office to proceed.

I thank the Senator. As I said, I like the second amendment which he is going to be withdrawing. Hopefully, we will have an opportunity, with his leadership, to revisit that on another piece of legislation, or on the floor independently.

Mr. DODD. I thank my colleague from Delaware.

AMENDMENT NO. 690

Mr. DODD. Mr. President, I call up amendment No. 690.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 690.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section—

SEC. . TRANSFER OF AUTHORITY FOR CRIMINAL INVESTIGATIONS FROM STATE DEPARTMENT INSPECTOR GENERAL TO DIPLOMATIC SECURITY SERVICE.

(a) Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

''(1) conduct investigations—

''(A) concerning illegal passport or visa issuance or use; and

''(B) concerning potential violations of Federal criminal law by employees of the Department of State or the Broadcasting Board of Governors.''

(b) Section 209(c)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)(3) is amended by adding the following—

''In such cases, the Inspector General shall immediately notify the Director of the Diplomatic Security Service, who, unless otherwise directed by the Attorney General, shall assume the responsibility for the investigation.''

(b) The amendment made by this section shall take effect October 1, 2000.

(c) Not later than February 1, 2000, the Secretary of State and the State Department Inspector General shall report to the appropriate congressional committees on—

(1) the budget transfer required from the Inspector General to the Diplomatic Security Service to carry out the provisions of this section;

(2) other budgetary resources necessary to carry out the provisions of this section;

(3) any other matters relevant to the implementation of this section.

Mr. DODD. Mr. President, this amendment would transfer the authority for criminal investigations from the State Department Office of Inspector General to the Office of Diplomatic Security in cases of passport fraud and to the Attorney General in cases of other potential criminal offenses.

Let me say at the very outset that I realize this is a very controversial amendment. But I would like to take this opportunity to explain to my colleagues why I have decided to discuss this matter today.

Based upon a number of inspector general investigations I have reviewed, I question whether the inspector general, who is not a lawyer, should be supervising criminal investigations at all. The original mission of the inspector general was to perform routine audits both to examine financial records and to review the operations of various programs.

The inspector general also is charged with inspecting overseas diplomatic

missions and domestic bureaus to ensure that the State Department is performing with maximum efficiency and using resources appropriately. Certainly the inspector general can, and should, continue to concentrate in these areas. But criminal investigations are far more complex and sensitive than routine audits and inspections.

I think many of my colleagues would be surprised at the type and scope of investigations that the State Department inspector general undertakes, and, frankly, at the number of matters that get referred to the Justice Department for further action which the Justice Department declines to take up.

The inspector general currently decides when and who to investigate. There are virtually no checks—none—on the office once it has commenced a criminal investigation.

While the State Department inspector general's office is supposed to be a neutral finder of fact, experience shows that historically that office has acted in a highly adversarial manner trying to establish cases that can be referred to the Justice Department.

I happen to believe, as an aside, that the inspector general's handling of matters relating to Ambassador Richard Holbrooke unnecessarily delayed the consideration of his nomination to the Senate and at additional taxpayer cost.

Let me, however, commend the chairman of the Foreign Relations Committee for the very thorough but expeditious manner in which he has guided the Foreign Relations Committee deliberations of that particular nomination.

I would also like to call to the attention of the Members the final report of the independent counsel appointed to investigate the so-called ''Clinton passport matter,'' which arose in the course of the 1992 Presidential elections. Joseph diGenova, the independent counsel in that case, took the State Department Office of the Inspector General to task for the sloppiness and lack of professionalism with which it conducted the initial investigation of this matter. He concluded by saying that this matter should never have been referred for criminal prosecution, nor should an independent counsel have been appointed.

It is not my intention to push this amendment to a final vote. I know the managers of the bill and the members of the Governmental Affairs Committee have some questions about this amendment as it is currently drafted. I respect their judgment tremendously. At the very least, however, I believe there is a need for an independent agency, the General Accounting Office, to take a long and hard and serious look at the practices of the inspector general's office with respect to criminal investigations and assess whether these offices are the appropriate places for criminal matters to be looked at.

These offices were set up to conduct and perform certain valuable and important functions. In my view, as with so many other offices, once they get started they go off into areas they lack expertise in and conduct investigations which are questionable, at best. This has happened, with little or no checks and balances.

Even under the independent counsel law, I point out, a person is entitled to know what they are charged with and given a chance to respond to the allegations raised. Under the Inspector General's investigations, a person is not given those rights.

Fundamental due process would seem to insist everyone be given the opportunity to respond to charges leveled against them.

I think this is a serious matter. I am hopeful the matter can be corrected without having to go through a legislative route. I think it can be done administratively. I urge the State Department, the Secretary of State, and others to make these corrections. If not, I will come back with this amendment next year. I will offer it in committee and I will offer it on the floor to legislatively deal with this issue.

I am anxious to hear other thoughts and ideas on how to correct this problem. I take it seriously when the careers of individuals can be ruined and destroyed by opening up one of these investigations without providing that individual with an opportunity to respond to those charges.

I ask unanimous consent to withdraw the amendment I offered a few moments ago.

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

RECESS

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

Thereupon, the Senate, at 1:11 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001—Continued

AMENDMENT NO. 692

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how many minutes are assigned to the distinguished Senator?

The PRESIDING OFFICER. On the Feingold amendment, 5 minutes equally divided—amendment No. 692.

Mr. HELMS. And Senator LUGAR has some time?

The PRESIDING OFFICER. It is 5 minutes equally divided. Senator LUGAR would have 2½ minutes.

Mr. HELMS. I thank the Chair.

I see both Senators on the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Anne Alexander, a fellow in my office, be accorded the privilege of the floor during the remainder of the debate on the State Department authorization bill.

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

Mr. FEINGOLD. Mr. President, before my time begins, I ask unanimous consent to add the Senator from North Dakota, Mr. DORGAN, as a cosponsor of my amendment.

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

Mr. FEINGOLD. Mr. President, my amendment does not kill the National Endowment for Democracy, nor does it cut off one penny from its budget. Rather, this amendment reforms the grant-making process of the NED.

The NED seeks to promote democracy around the world. I believe it is only just and fair that its grant-making process be open and competitive on a level playing field for all applicants. Mr. President, 65 percent of NED's grant money is automatically allocated to four so-called ''core grantees,'' while everyone else has to compete for the remaining 35 percent of the budget. I really do not think this is fair.

The core grantees have done good work in promoting democracy abroad, but are the programs sponsored by the core grantees so superior to all the other programs we have that we must assume they should automatically get the full 65 percent while everyone else has to compete for a much smaller piece of the pie?

My amendment does not cut funding for the NED or even necessarily for these four grantee groups. It just phases out, over a 5-year period, the automatic bonanza these groups get every year. This amendment will simply level the playing field so these groups have to compete for funding like everybody else.

So I urge my colleagues to understand this does not cut a penny. It does not change the basic mission. It just says we have reached the point, with these taxpayers' dollars, where it really should be phased down to the point where everything is done on a competitive basis.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from Wisconsin.

The National Endowment for Democracy for the last 18 years has made grants to organizations all over the world to boost democracy in the most critical areas. It came about during the Reagan administration, in which the genius of the plan, of pulling together representatives of the Republican Party, the Democratic Party, the National Chamber of Commerce, and AFL–CIO, brought checks and balances within our own political spectrum but