

a tax cut. We are buying down the debt. Most importantly, I say to the American people: We are not going to allow Government to grow in the image of Bill Clinton just for a legacy he would like to establish.

I thank my colleague from Wyoming for the liberty he has allowed me in the use of time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank my friend from Idaho. Certainly, we share all those thoughts and ideas. I want to expand in the few minutes we have remaining in our allotment of time the public land issue the Senator mentioned.

Public lands, of course, are very important to those of us in the West. As was pointed out, 1 out of every 4 acres in this country is owned by the public. My State of Wyoming is 50-percent owned by the Federal Government. Idaho is some 63-percent owned by the Federal Government. Nevada is 83-percent owned by the Federal Government. The management of these lands then, rightfully, is a public issue and one with which all of us need to be concerned.

It would not be a surprise to know that some of the issues with regard to the management of those lands are seen differently by the people who live there and who have access to the lands as opposed to those who equally own them and live many miles away. The fact is it is a public issue and it deserves public input.

There is a system that has been set up by the Congress and happens to be followed by everyone, except the administration, which allows for public input. It requires that all ideas be set forth so that they can be considered and there can be statements made on all these issues. Sometimes it takes an excruciatingly long time to do it, but nevertheless it is a vital concept.

Now, of course, we have a different thing going on in the administration. They call it a land legacy, an effort by the President in these remaining months to leave a Teddy Roosevelt land legacy for himself and his administration. In so doing, he has done a number of things quite different from what we have seen done before and, quite frankly, has created a good deal of controversy, particularly in the West.

There are different kinds of lands, of course, set out for different purposes. I happen to be chairman of the Parks Subcommittee, so I am very interested in that. I grew up right outside of Yellowstone National Park. As you know, Wyoming has several famous national parks. We are very proud of them. Those lands were set aside for a particular purpose. They were set aside because they were unique and they were different. They are used for a limited number of purposes.

We have the forest reserve which, by its nature, was set aside, was reserved for special uses. Although there are

many, part of them are wilderness areas set aside by the Congress in specific acts that limit the use, and properly so, in my view.

Then there is the Bureau of Land Management, which has a very large section of lands. Those lands, rather than having been set aside for some particular purpose, were generally what was left after the Homestead Act was completed. They were sort of residual lands that were managed, first of all, by a different agency but now by the Bureau of Land Management—clearly multiple use lands. They are used for many things.

These are the kinds of things we have. We have seen suddenly a rush for doing something in public lands. The system being used now by the administration completely ignores the Congress, which should have a say in these kinds of things, and as a matter of fact generally ignores people. One of them is the 40 million acres of roadless areas nationwide that were declared by the Forest Service.

Frankly, I have no particular quarrel with the idea of taking a look at roadless areas in the forests, but each forest has a very extensive, very expensive, very important forest plan, a process that has been gone through that requires studies, that requires proposed regulation, that requires statements, that requires hearings. That is where those things ought to be done rather than having one EIS over the whole Nation, not for the Secretary of Agriculture to just come out and declare that there are going to be 40 million acres, and not even knowing exactly where they are.

As a matter of fact, we had a hearing with the Secretary and with the Chief of the Forest Service in which they could tell us very little about it.

Another is the \$1 billion from offshore oil royalties that the administration has asked to be given to it to spend, without the approval of Congress, to acquire additional lands.

As the Senator from Idaho said, in the Western States the acquisition of new lands is not the issue. The care of those lands, the investment in parks, the investment in forests is where we ought to be, in my view.

The Antiquities Act, which is a legitimate act, has been on the books since 1905. Teddy Roosevelt put it there. As a matter of fact, Devils Tower, in my State, was put in by the Antiquities Act and was part of Teton National Park. But times have changed, and we understand now the President is going to have 18 different land areas changed in their designation without, really, any hearings—we had one last year in Utah that the Governor and the congressional delegation did not even know about until it was done. That is not the way to do these kinds of things.

They have a proposal to change the way the Land and Water Conservation Fund is allocated. It was set up by Congress to go half and half—State and na-

tional. Now the administration wants to spend all that money for land acquisition.

BLM now has a nationwide roadless plan in which there is very little, if any, input. They have the Clean Water Action Plan, which is something done by EPA, which has to do with the control of water, which is really a way of controlling land.

Each of these things probably has some merit, but they ought to be examined. They ought to go through the system. They ought to be talked about. They ought to be agreed to, rather than imposed unilaterally by an administration.

We can preserve public lands, and, indeed, we should: they are a legacy for us. We can have multiple use on those lands. We need them for the communities. We can have public involvement. That is the way it ought to be. We can have cooperating agency agreements in which the State and the local communities ought to have a real voice in doing this.

I hope we do not politicize public lands simply because it is an election year, to the distraction of public use, to the distraction of the economies that surround them. The purpose of public lands is to preserve the resources and give a chance for the owners to enjoy it. The owners, of course, are the taxpayers.

It is an issue on which I think we will have more and more input throughout the year. I hope we do.

Mr. President, our time is nearly expired. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRASSLEY. I think we are in morning business, right?

The PRESIDING OFFICER. That is correct.

THE PENTAGON'S ACTING INSPECTOR GENERAL

Mr. GRASSLEY. Mr. President, I would like to take a moment with my colleagues to discuss a recent article that was in the National Journal. It was about the Pentagon's Acting Inspector General, Mr. Donald Mancuso. The article was written by Mr. George Wilson. Mr. Wilson was a senior defense reporter at the Washington Post for many years. He left the Washington Post in 1991 to write books. He is now a columnist with the National Journal.

Mr. Wilson is a top-notch reporter. He is respected for being very thorough and very fair. But, above all, he is respected for an uncanny ability to find the nub of a complex issue and expose it to public scrutiny in an interesting

and also informative way. He had a recent article in the *National Journal* that is no exception. It has exposed a very raw nerve. The article is entitled: "Tailhook May Soil Choice for Pentagon's Mr. Clean." It appeared in the January 22, 2000, issue of the *National Journal* on pages 260 and 261.

Mr. President, I ask unanimous consent to have that article printed in the *RECORD* at the end of my remarks.

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

(See Exhibit 1.)

Mr. GRASSLEY. The article I refer to raises important questions, even new questions, about Mr. Mancuso's integrity and judgment. At some point down the road, this body may be called upon to confirm or not confirm Mr. Mancuso's nomination because it has been suggested that President Clinton is expected to nominate him to be the next Department of Defense Inspector General.

If that happens, then each Member of this body would need to weigh all the facts bearing on Mr. Mancuso's fitness to serve as the Pentagon's watchdog, which is also the Pentagon's top cop.

In October, my staff on the Judiciary Subcommittee on Administrative Oversight and the Courts issued, for me, a report on the Defense Criminal Investigative Service. I am going to refer to that, as it is always referred to, as the DCIS—Defense Criminal Investigative Service.

I strongly urge my colleagues to read this report. It substantiated allegations of misconduct on the part of senior DCIS management, including Mr. Mancuso, and at least one of his investigators, Mr. Mathew Walinsky. Mr. Mancuso at that time was Director of DCIS, and he was so from 1988 until 1997.

Since that report was issued in October, my staff has been inundated with new complaints about alleged misconduct by Mr. Mancuso and mismanagement at DCIS while Mr. Mancuso was the Director of DCIS. My staff is now in the process of evaluating these allegations to determine if they have merit. Once that review has been conducted, I may issue a second report.

Getting back to Mr. Wilson's article in the *National Journal*, by comparison, instead of my report opening up a new can of worms, Mr. Wilson's article has opened an old can of worms—in this case, Navy worms. It explores Mr. Mancuso's role in the investigation of misconduct at the infamous Tailhook convention in September 1991. By reopening this very unfortunate episode in naval history, Mr. Wilson has shed new light on Mr. Mancuso's fitness to move into the inspector general's slot.

Mr. Wilson reports that the U.S. Court of Military Appeals condemned Mr. Mancuso and the DCIS for, in their words, "heavy-handed investigative tactics that trampled constitutional rights." According to Mr. Wilson, Mr. Mancuso's tactics included "threats,

intimidation, falsification of interviews, and overreliance on lie detectors."

In an opinion issued on January 11, 1994, on the Tailhook case, the U.S. Court of Military Appeals denounced Mr. Mancuso's tactics. The court compared the Tailhook case review process, which was set up by Mr. Mancuso, to sort of an assembly line justice, where investigative and judicial functions were merged and blurred. "Merged" and "blurred" are words the court used. "Assembly line" are words the court used. The court called Mr. Mancuso's assembly line justice "troublesome."

Going on to quote the court:

At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned.

That is what the U.S. Court of Military Appeals had to say. That is the highest military court in our land. It is often called the United States Court of Appeals of the Armed Forces. So this highest court has condemned Mr. Mancuso for "shadiness." The court said his practices were "careless and amateurish" and even "troublesome." The court said he and his investigators failed to respect the constitutional rights of members of the armed services.

I hope the Chair will agree that these are very serious charges about a person whom the President may nominate for our confirmation as inspector general of the Department of Defense. The court's criticism—again referring to the Court of Military Appeals—may help to explain why the Tailhook investigation was a total failure. The entire investigation probably cost the taxpayers close to \$10 million and involved several thousand interviews. Unfortunately, not one single naval aviator who faced an assault charge was ever convicted by a court-martial.

As the Director of DCIS, Mr. Mancuso led the Tailhook investigation. He is accountable for failing to conduct it as a professional. A legitimate question for my colleagues and for the President: Should that same man, a man who used shady investigative tactics, a man who failed to respect naval judicial process in Tailhook, be confirmed as the Pentagon's watchdog? It is legitimate to ask if Mr. Mancuso is the best person to fill that position.

I leave those thoughts with my colleagues over the next several weeks as this nomination may come up for consideration.

I yield the floor.

EXHIBIT NO. 1

[From the *National Journal*, January 22, 2000]

TAILHOOK MAY SOIL CHOICE FOR PENTAGON'S MR. CLEAN

(By George C. Wilson)

The man President Clinton is expected to nominate as inspector general of the Defense

Department—the Pentagon's top cop—is coming under increased scrutiny in the Senate for questionable official conduct. Questions surround his role in the Tailhook sexual assault investigation of the early 1990s and his handling of his own investigators, one of whom pleaded guilty to stealing a 13-year-old boy's identity to obtain a false passport.

Donald Mancuso, the Pentagon's acting inspector general and probable nominee for the permanent job, formerly led the Defense Criminal Investigative Service. DCIS, which conducts most of the fraud and misconduct investigations at the Defense Department, had taken over the Tailhook investigation in 1992 after the Navy was accused of botching it.

During the Tailhook investigation, naval aviators accused Mancuso's agents of heavy-handed tactics that trampled their constitutional rights. These tactics, they maintained, included threats, intimidation, falsification of interviews, and overreliance on lie detectors. In the end, no aviator was convicted at court-martial for misconduct at the Tailhook convention, which was held in September 1991 at the Las Vegas Hilton.

The U.S. Court of Military Appeals, in its review of the Tailhook cases, criticized military lawyers and the IG's investigators—who were supervised by Mancuso—for procedures that were "troublesome." The court faulted investigators for an approach that was "curiously careless and amateurish," and that didn't sufficiently respect the rights of suspects.

Several lawyers who defended Tailhook aviators told *National Journal* that they stand ready to cite examples of misconduct by DCIS agents if the Mancuso nomination moves forward. Their testimony could widen and escalate a battle over Mancuso that Sen. Charles Grassley, R-Iowa, began at the end of the past congressional session. White House attorneys had focused on Grassley's earlier objections, but they apparently had not looked into Mancuso's Tailhook role when they told *National Journal* recently that they saw no reason to recommend he not be nominated.

Grassley up to now had focused his objections on Mancuso's supposedly poor judgment while director of the Defense Criminal Investigative Service from 1988-97. Grassley accused Mancuso of coddling a deputy after the deputy confessed to stealing a dead boy's identity in an effort to get a false passport for still-mysterious reasons.

Defense Secretary William S. Cohen has mounted a stout defense of Mancuso and has told Grassley that none of the Senator's objections should bar him from advancement. However, the Tailhook connection, which Grassley's investigators have just begun to probe, may turn the Mancuso nomination into a "bolter"—pilot talk for an airplane that misses the arresting wires stretched across an aircraft-carrier deck and so fails to land. Grassley will do his best to exploit the Tailhook connection in hearings and on the Senate floor. Former Navy Secretary John W. Warner, R-Va., chairman of the Senate Armed Services Committee, which would hold confirmation hearings on a Mancuso nomination, is likely to plead with the President not to nominate anybody who would pull Congress back into the Tailhook swamp.

The U.S. Court of Military Appeals denounced the tactics of Mancuso's agents in an opinion issued on Jan. 11, 1994, on a Tailhook case against Navy Lt. David Samples. The defendant had been charged with participating in the "gantlet" in which drunken pilots groped, and in some cases assaulted, dozens of women who ventured down the third-floor hallway at the Hilton. Samples charged that he endured his own intensive gantlet of interrogations as one naval

officer after another advised him to tell what he knew and, in his view, guaranteed him complete immunity if he did. After undergoing the Navy interviews, he was immediately interrogated by DCIS in assembly line fashion.

In court testimony, Special Agent Matthew A. Walinsky of DCIS attributed the assembly line idea to DCIS Director Mancuso: "We felt that, or the director [of the] DCIS felt that, it was one of the ways that we could have a resolution in the case and be fair to everybody that was involved in [the] case, so that they would have a walk-away" from any further entanglement in the Tailhook mess.

The U.S. Court of Military Appeals assailed the arrangement: "The assembly line technique in this case that merged and blurred investigative and justice procedures is troublesome. At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned."

Mancuso, when asked by National Journal to respond to the court's denunciation, said: "The quote [from the decision] was taken out of context and exhibits a lack of understanding of the technique being discussed. . . . DCIS played a minor role in the 'assembly line technique' as described in the opinion. The DCIS investigation of the Tailhook matter was handled thoroughly and professionally."

But Charles W. Gittins of Middletown, Va., a defense attorney in the Tailhook case, charged in an interview with National Journal that Mancuso's DCIS agents "routinely violated naval officers' rights with threats of retribution for failure to cooperate." Gittins said that Mancuso's supervision of his investigators "left much to be desired. I would have concern if Mancuso became IG about his integrity and commitment to the rule of law." He added he would welcome the chance to give such testimony to Congress.

Robert B. Rae of Virginia Beach, Va., another Tailhook defense attorney and a former U.S. attorney, said that Mancuso "abused his position [as DCIS director] and showed a general disregard for laws of military justice" during the Tailhook investigation. "He intentionally failed to comply with the judge's order to produce evidence and documents on several occasions. We need somebody [as inspector general] who makes the ethical decision, not the politically correct one. He [Mancuso] was politically motivated."

Mancuso told National Journal that "while I don't remember being directly involved with either of these defense counsels during the Tailhook investigation, it is not unusual for defense counsels to disagree with the government's investigation techniques. I categorically deny that I have ever intentionally failed to comply with any judge's order." He said that as DCIS director, he worked to ensure that both sides received all requested information promptly.

As Pentagon inspector general, Mancuso would be responsible for supervising 1,228 employees, including 323 criminal investigators, and for overseeing a budget of \$136.8 million annually. He would be paid a salary of \$118,400 a year.

Grassley is particularly vexed about what Mancuso did—and did not do—about Larry Joe Hollingsworth, a deputy at DCIS who was responsible for keeping agents in line, but who committed a felony that a hearing judge termed "bizarre." In 1992, Hollingsworth found in the records of a Florida library the obituary of Charles W. Drew, who

died at age 13. Hollingsworth decided to assume the boy's identity. And by posing as the deceased boy's half brother, Hollingsworth obtained the identification papers he needed to apply for a passport in Charles' name. He appended pictures of himself to the passport application and signed it in such a muddled way that the State Department investigated, leading to Hollingsworth's arrest, indictment, and confession to one count of fraud.

Why would a 46-year-old, \$92,926-a-year Pentagon executive with more than 20 years' experience investigating other people's crimes commit one himself? "In the last few years," Hollingsworth wrote right after his arrest, "I have seen repeated news stories about how easy it would be" to assume someone else's identity. "I decided to see if it was true. This was a Walter Mitty fantasy, however, for excitement and not to hurt anyone."

Special Agent Sean O'Brien of the State Department told investigators with Grassley's Senate Judiciary Administrative Oversight and the Courts Subcommittee that "there were at least 12 overt acts of fraud perpetrated by Mr. Hollingsworth over the course of one year." O'Brien told the investigators that "passport fraud is always committed in furtherance of a more serious crime . . ."

On April 29, 1996, Mancuso wrote, on assistant inspector general stationery, to federal Judge T.S. Ellis III of the U.S. District Court in Alexandria, VA., while the jurist was weighing what penalty to impose on Hollingsworth. "To this day," he wrote, "there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager. . . . It is our intention to consider removal action against him after the conclusion of the criminal charges. . . . I would ask that you also consider the severity of these administrative actions as you pronounce sentencing."

Grassley accused Mancuso of showing poor judgment in writing what the Senator considered a plea for leniency. Grassley also criticized Mancuso for letting Hollingsworth retire at 50 in 1996 with full pay, 12 years ahead of schedule—a decision that cost the taxpayers an extra \$750,000, Grassley said.

Mancuso denied asking for leniency. He told National Journal that that "my intent in writing the letter was to advise the judge of SA [Special Agent] Hollingsworth's past job performance while assigned to DCIS, not to ask for leniency. In fact, nowhere in my letter is the term 'leniency' used."

Hollingsworth, after pleading guilty, was sentenced in June 1996 to supervised probation for two years and was fined \$5,000, plus \$195.30 a month to pay for the cost of supervising him while on probation. He also had to serve 30 days of jail time on weekends, perform 200 hours of community service, and pay a \$50 special assessment.

The majority staff of Grassley's subcommittee on Nov. 2 filed a 64-page report highly critical of Mancuso's conduct. Cohen responded to Grassley on Dec. 28 that his staff had found nothing in the subcommittee's report to shake his "complete confidence in Mr. Mancuso's abilities and integrity. Nothing I have seen has caused me to doubt Mr. Mancuso's ability to ably, fairly, and honestly lead the Office of the Inspector General."

"Bill," Grassley wrote back to Cohen on Jan. 7, "you and I have known each other for many years, I know, if given an accurate report on the facts in the case, you would not defend the integrity of the acting IG."

Since vote-counters have apparently concluded that Grassley does not have enough Senate allies to defeat the nomination, the

White House intends to nominate Mancuso when Congress reconvenes. Will the stubborn Iowan resort to a filibuster, or will he place a simple hold on the nomination, in light of Tailhook and other charges? "I don't know yet," Grassley replied.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for 15 minutes.

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

A PRESCRIPTION DRUG BENEFIT FOR MEDICARE

Mr. DORGAN. Mr. President, I would like to speak for a few moments today about the call in the State of the Union Address for a prescription drug benefit to be added to the Medicare program.

In all of the discussions about the State of the Union and what is happening to the health of the American people, one of the underlying issues is that people are living longer and better lives. When people live longer and better lives, it means we have more strain on Medicare and on Social Security. But, of course, all of that is born of good news: People are living longer. At the start of the last century, citizens of the United States were expected to live, on average, to about 48 years of age. One hundred years later, in the year 2000, you are expected to live to be about 78 years of age—a 30-year increase in life expectancy. That is really quite remarkable.

What are the reasons for that? There are a lot of reasons: Better nutrition, new medical technologies, and life-saving prescription medicines that have been developed to extend life. There are a lot of reasons for the increased longevity.

In 1965, we created a Medicare program that has contributed substantially to the increase in longevity in this country. Prior to that time, 50 percent of senior citizens had no health care coverage at all—none. Medicare provided health care coverage to all senior citizens, and now 99 percent of older Americans in this country have basic health care protection through Medicare. That clearly has extended life and has allowed people to live longer and better lives. But in 1965 when Medicare was created, many of the prescription drugs that now exist for extending life simply weren't available. There was not, therefore, a need for a prescription drug benefit in Medicare.

The call now by the President and by Members of Congress, myself included,