

would pay. As you can see the drug premium is nothing. If a senior has Medigap, premiums substantially decrease from current law under Smith-Allard. Under the administration plan, they stay the same—averaging \$230.75 per month. So, if you compare all premiums, a senior would save an average of \$96.83 per month.

I ask unanimous consent that this chart be printed in the RECORD.

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

MONTHLY PREMIUMS

	Clinton	Smith-Allard
Drugs	\$51.00	0
Part B	45.50	45.50
Medigap	134.25	88.42
Total	230.75	133.92
Smith-Allard Premium Savings		96.83

Mr. SMITH of New Hampshire. Some might say this is not much money. But let's take a look.

What could a senior do with \$96.83 each month?

You can see that this is a lot of money when you think of how it would impact other expenses seniors have.

These numbers come from the Bureau of Labor Statistics Consumer Expenditure Surveys.

Finally, Mr. President, we will look at annual deductibles.

Smith-Allard combines the hospital, medical, and drug benefits into a single deductible.

Because seniors spend an average of \$670 per year, they would just about reach the full hospital and medical deductible with just drug expenses.

Under the Clinton plan, drugs don't count toward the deductible, so even though seniors would have a 50 percent drug benefit, they would not be paying down their deductible.

I have talked about this plan with seniors, and they understand this concept. They love it.

I ask unanimous consent that these charts be printed in the RECORD.

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

SMITH-ALLARD

Saves seniors \$96.83 in monthly premiums. What could a senior do with \$96.83 each month?

PRESCRIPTION DRUGS

Seniors average \$55 per month on drugs. The premium savings alone would pay for all their drugs twice.

FOOD

Seniors spend \$235 per month on groceries. Premium savings pay for nearly half. Seniors spend \$99 per month going out to eat. Premiums savings pay for nearly all dining out.

ENTERTAINMENT

Seniors spend \$87 per month on entertainment. Premium savings pay for all entertainment.

TAXES

Seniors spend \$93 per month on Federal, State, and other taxes. Premium savings pay for all taxes.

ANNUAL DEDUCTIBLES

	Clinton	Smith-Allard
Part A	\$776	
Part B	100	\$675 combined.
Drugs	0	
Total deductibles	876	675

Mr. SMITH of New Hampshire. Let me just conclude speaking on this bill by saying that the benefits in this plan are delivered by private companies and regional entities, such as pharmaceutical benefit managers. These entities would negotiate with large drug companies and provide the drugs to Medicare seniors.

In addition, according to the actuaries who reviewed the legislation, there will be no adverse selection. Both the healthy and the sick will have an incentive to choose this plan. Everybody is in.

There are many different methods of providing prescription drug coverage for seniors, but I urge my colleagues—I plead with my colleagues—to look to the revenue-neutral methods that fund this benefit by the elimination of waste in the present system. I urge my colleagues to resist the temptation to raise Medicare premiums on the people who can least afford it.

I have vivid memories of seniors rocking Mr. Rostenkowski's car a few years ago when he decided to raise Medicare premiums. Let's look at it more specifically. The House's fiscal year 2001 budget—this is important—sets \$40 billion aside for prescription drugs.

In the Senate, we are expected to do a budget that is going to set aside \$20 billion now for prescription drugs, and \$20 billion later.

We don't need either under my plan. We don't need any more money. We don't need \$20 billion. We don't need \$40 billion. We don't need \$2 billion.

Let's use the money for debt reduction or tax credits for the uninsured rather than providing for prescription drugs. Let's use my revenue-neutral prescription plan instead.

I urge my colleagues to take a look at this approach. It provides prescription drugs in a way that will meet seniors' needs without hiking their premiums or adding more burden to the Federal treasury.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada, Mr. REID, is recognized to speak for up to 20 minutes.

INDEPENDENT COUNSEL

Mr. REID. Mr. President, this past Tuesday, the Washington Post carried a story reporting that Independent Counsel Robert Ray, a lawyer who was trained in prosecutorial ethics by Rudolph Giuliani and who took over the special prosecutor duties from Ken Starr, is planning on continuing and even expanding his investigation of President Clinton. Mr. Ray has hired six new prosecutors and another inves-

tigator and plans to increase spending over the next 6 months by \$3.5 million. Under this plan, he is seriously considering indicting the President after he leaves office for a number of things. He includes perjury, obstruction of justice, making false statements, and even conspiracy.

When I read this story, to say the least, I was surprised. One year ago, I stood in this Chamber at this same seat during the impeachment trial of the President of the United States and compared what was happening then to literature. I can no longer make that comparison because what is happening here is too outlandish and unbelievable to qualify anymore as literature. Every great story has an ending. Every play has a denouement.

This investigation has already lasted 6 years. It has cost Nevada taxpayers and the taxpayers of this country more than \$52 million, not counting the money this new prosecutor wants to spend in the next 6 months.

More than the length of this proceeding, more than the cost of this proceeding, this story has crossed the line from Kafka to "The Twilight Zone." It has drifted from prosecutorial intemperance to the brink of lunacy.

A number of years ago, the very articulate, brilliant Supreme Court Justice Antonin Scalia criticized the independent counsel statute. He pointed out that with the typical criminal case, the prosecutor starts with a crime and then looks for the perpetrator.

But with an independent counsel, the prosecutor starts with a suspect and searches to find a crime—any crime—to charge him or her with. Once placed in office, the prosecutor has built-in pressure to bring a charge rather than exonerate his target in order to justify his very existence; and in this instance, the tens of millions of dollars already spent. There is no more perfect example to what Justice Scalia was talking about than this so-called case.

Let's trace the confused and wandering thread of this narrative. This all began with the 20-year-old land deal called Whitewater—an Arkansas land deal 1,500 miles from here. The special prosecutor spent millions of dollars. Nothing turned up. But he kept going. He put a woman by the name of Susan McDougal in jail for 2 years, even though she had committed no crime. There is no debate about that. And she had never been convicted in a court of law. There is no debate about that.

Why? He wanted her to change her testimony and implicate the President and the people at the White House.

She would not do that. She went to jail. Eventually, after an innocent person, who had never been accused of a crime, had languished in jail for years, he gave up on Whitewater. He, the prosecutor, gave up on Whitewater, but he did not give up on looking for something on the White House.

First, he investigated the unfortunate death of Vince Foster and reached

the same conclusion other investigators had already reached. It was a suicide.

I am personally resentful of what the prosecutor did in this instance. What he put the Foster family through is untoward, unfair, and immoral. My father committed suicide. It is very difficult for a family to go through a suicide.

Vince Foster was a good man. No one ever disputed that. He was despondent. He killed himself. That should have ended it. But no, what Starr wanted to do was to bring in all these conspiratorial theories that the President had had him killed.

Can you imagine that? One of the President's best friends, and he not only drags the President through this, but he also drags the Foster family through this.

This not only was immoral, in my opinion, but it cost millions of dollars. What did he get to show for it? Nothing. Then this prosecutor—persecutor, some would call him—took a look at the 1993 firings at the White House Travel Office, and reached the same conclusion that other investigators had reached. There was nothing there. Millions of dollars more, and nothing to show for it.

Then he took a look at a deposition in a civil suit brought by Paula Jones. That suit was dismissed by a Federal judge. But no matter, the prosecutor hired to look at a land deal had struck gold with a lie about a sex act in a case that was dismissed. He latched on to it, and refused to let go.

It did not matter that he did not have jurisdiction over this issue. He created jurisdiction by filing a statement with the Attorney General of the United States asserting the case had fallen into his lap by accident, when in fact there was credible evidence, sound evidence, that his staff had been in close contact with Paula Jones' lawyers from the very beginning and had worked with them and fed them information.

This is supposedly an unbiased prosecutor. He was obviously so excited about what he had found that he began leaking information to the press in violation of Federal law and Justice Department regulations. The court appointed an investigator to investigate the investigator. But no matter, he had found something that he could use to justify the millions of dollars he was spending, and he was not about to give it up.

His investigators questioned Monica Lewinsky alone in a hotel room. Can you imagine the audacity of this young woman asking for a lawyer? She asked for a lawyer. They denied her request. They would not let legal niceties get in their way.

A first-year law student knows a person being investigated for a crime is entitled to a lawyer. But not Ken Starr's minions.

The main evidence he had in this case were the tapes, the surreptitious tapes made by one Linda Tripp, who

has been charged criminally by a Maryland grand jury for wiretapping. It did not matter that the tapes were made illegally. He was going to use them anyway. He kept on going. Still not enough.

When Monica Lewinsky would not cooperate with his probe, he dragged her parents before the grand jury. He subpoenaed bookstores to find out what kind of books they were buying and reading. The public was appalled. I was appalled. But he was still going to go ahead. Still not enough.

After investigating for a year, the independent counsel released a report to Congress that was embarrassing in its sexual explicitness and even more embarrassing in its biased reporting of the facts.

Monica Lewinsky said she had never been asked to lie and was never promised a job. But Prosecutor Starr never mentioned this once in the hundreds of pages of his report. It was so biased and so one sided that this, among other things, turned the public against the independent counsel and his unethical practices and unethical tactics. But no matter, he kept on going. Still not enough.

The House of Representatives voted to impeach on a straight party-line vote. This body, the Senate of the United States, voted on a bipartisan basis not to convict the President on any charge. Democrats and Republicans, listening to the evidence, voted not to convict.

The Congress of the United States then decided not to renew this awful law that authorized the independent counsel. I always opposed it. The law died last summer. And rightfully so. For 200 years, the Justice Department has done a good job. Over time, with the independent counsel we have had some real travesties. During the Reagan administration, what was done to that President by the independent counsel was wrong. We could go through other examples.

But even though the law died last summer, and it should have stopped there, it did not. Still, Starr had not had enough.

After failing to convict the President, in one last, desperate grab at the glory that he thought had escaped him, Starr focused the power of his office on a story told by a person by the name of Kathleen Willey—a story of an alleged touch that was completely irrelevant to his mandate.

Remember—Whitewater, Arkansas, 1,500 miles away.

When a friend of Ms. Willey, named Julie Hyatt Steele, dared to contradict the story, in effect, saying that Kathleen Willey was lying—how could she dare do such a thing?—Starr indicted her for perjury. And not only that—she could probably handle the perjury charge, which was so baseless—he threatened to have her children taken away from her. Who are these children? This good woman adopted orphans from Romania; and he threatened to

send them back to Romania. What a guy—an innocent woman and her orphan-adopted children. These are the trophies that special prosecutor Ken Starr had to show for all of his efforts and all the pain he had caused. But, no, still not enough.

Our weary Nation was thankful when Starr began scaling down his investigation and, in October, finally resigned.

I thought that was the end of the story. Most Americans thought that was the end of the story. But surprisingly, apparently, shockingly, it is not the end. Still not enough.

The lynch mob, though, now has a new leader, one who is willing to pre-judge the facts and unbalance the law in the spirit of his mentor, Rudy Giuliani, and, of course, his predecessor, Ken Starr. The new mob leader is Robert Ray. Apparently, he is not going to let the acquittal by this body, or the resignation of his predecessor, or the expiration of the statute under which he supposedly is acting, stand in his way. Still not enough.

This is a long, sad, and sordid story that should have ended long ago. The Office of the Independent Counsel has repeatedly stepped over the line of decency in its quest to find something—anything—on the President.

Now, the new special prosecutor says he is considering indicting the President after he leaves office next year. I say, enough is enough.

The President has been tried in this body. He has been acquitted. He suffered. His family suffered. His legacy is forever tarnished. He is deeply in debt to his lawyers. The Arkansas bar is considering withdrawing his license to practice law. He has not gone unpunished. Apparently, that is not enough for Mr. Ray; still, not enough.

In primitive legal systems, such as those of Communist countries and other totalitarian dictatorships, every minor technical violation of the law is met with the full force and fury of the government. Police are to be feared. But the greatness of our legal system is that it recognizes that because human beings are frail and fall short of perfection, mercy must season justice. At its heart, criminal law and the prosecutors charged with enforcing it exist to serve and protect the public. Our legal system contemplates discretion. Not every violation of the law should be pursued to the fullest extent because not every crime is the same. The decision not to prosecute or not to bring certain charges is as much of a prosecutor's job as a decision to bring charges.

When the impeachment hearings began, I cosponsored a censure resolution that in lieu of impeachment proceedings would have specifically provided the President remain subject to criminal actions in a court of law, such as any other citizen. That resolution was opposed in this body by Senators who instead voted to go down the impeachment road.

I was a trial lawyer before I came here. I understand there are offers of

settlement made and withdrawn. That was an offer of settlement that attempted to expedite things and not have the spectacle that took place in the Senate. But once it was decided that the proper legal course of action was to pursue the constitutional impeachment proceeding, the decision should have been final and binding. It was still not enough.

Even Ken Starr, the original prosecutor, is quoted in published reports as holding the belief that once the Senate acts on an impeachment vote, further criminal actions are totally inappropriate.

There is a concept in our system of justice known as double jeopardy. It applies here. That doctrine holds that there is a limit to what a Government prosecutor can do to a United States citizen. It recognizes that there comes a point where continued investigation crosses the line into inappropriate Government harassment. An investigation into the truth should not be allowed to become a vendetta against an individual. It does recognize that enough is enough.

Many of his critics suggest that the President does not have greater rights under the law than any other citizen of this country. I agree. That is true. But equally true is the fact that the President should not have fewer rights than any other citizen. What the President did should not be lightly or easily forgiven, but it should not be blown out of proportion either by an unrelenting, unfair, trophy-seeking prosecutor with an unlimited budget in search of a conviction that won't serve the cause of justice. This case has gone on far too long. Tens of millions of dollars, tragedy, embarrassment, double jeopardy—enough is enough.

It can best be summed up, Mr. President, by syndicated columnist Richard Cohen in today's *Washington Post*, printed in newspapers all over America, entitled, "Independent Counsel Overkill", which ends by saying:

Give it up, Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.

The country already has.

Mr. President, I yield whatever time I have remaining to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I appreciate the yielding of time by the gentleman from Nevada. I ask unanimous consent to proceed as in morning business for 5 minutes, and following my remarks, Senator COLLINS of Maine be recognized to speak for 5 minutes.

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

(The remarks of Mr. JOHNSON and Ms. COLLINS pertaining to the introduction of S. 2419 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from

Connecticut, Mr. DODD, or his designee, is recognized to speak for up to 30 minutes.

ASSISTING COLOMBIA IN FIGHTING DRUG TRAFFICKING

Mr. DODD. Mr. President, I anticipate the arrival of several other colleagues who may wish to speak on the same subject matter.

Yesterday, members of the Senate Committee on Foreign Relations, and other interested Members of this body, had the opportunity to meet with the President of Colombia, His Excellency Andres Pastrana, during his visit to Washington. It was an extremely informative meeting. It was also apparent to all of us there that President Pastrana was terribly disappointed that the Senate of the United States had not approved, or even scheduled, early consideration of President Clinton's emergency supplemental request for Colombia to fight the narcotrafficking problem in that nation, which contributes significantly to the deaths and hardships in our own nation.

It is no hidden fact that some 50,000 people die in this country every year from drug-related incidents. Ninety percent of the cocaine and a significant amount of the heroin that is consumed in this country comes from Colombia.

Colombia has been devastated over the years by narcotraffickers. They are committed to trying to win this conflict. The European Community stands ready to help. They have asked the United States—the largest consuming nation of the products grown in their country—to be a part of this effort.

The leadership in this body has seen fit to delay this action until the normal appropriations process. I am disappointed by that, Mr. President. This is no small issue. It is a scourge in our streets. Clearly, we need to do as much as we can here at home, but this battle needs to be waged on all fronts, including in the production and transportation of nations such as Colombia.

Colombia's civil society has been ripped apart for decades by the violence and corruption that has swirled around their illicit international drug production and trafficking industry. High-profile assassinations of prominent Colombian officials who were trying to put an end to Colombia's drug cartels began nearly 20 years ago with the 1984 murder of Colombia's Minister of Justice, Rodrigo Lara Bonilla.

In 1985, narcoterrorists stormed the Palace of Justice in Bogota and murdered 11 Supreme Court Justices in that nation who had supported the extradition of drug kingpins and traffickers to the United States. In 1986, another Supreme Court Justice was murdered by drug traffickers, as were a well-known police captain and prominent Colombian journalist who had spoken out against these cartels. These narcoterrorists then commenced a bombing campaign throughout the

year, in shopping malls, hotels, and neighborhood parks, killing scores of innocent people and terrorizing the general population.

Before drug kingpin Pablo Escobar was captured and killed by the police in 1993, he had been directly responsible for the murder of more than 4,000 Colombians. In 1994, it became clear that drug money had penetrated the highest levels of Colombian society and called into question the legitimacy of the Presidential elections of Ernesto Samper. Even today, fear of kidnapping and targeted killings by members of Colombia's drug organizations has Colombia's citizens living in fear for their very lives.

At this juncture, I ask unanimous consent that a column written by Thomas Friedman, which appeared last week in the *New York Times*, be printed in the RECORD.

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

[From the *New York Times*, Apr. 11, 2000]

SAVING COLOMBIA

(By Thomas Friedman)

BOGOTA, COLOMBIA.—I had a chat in Bogota the other day with a group of government officials and businessmen, and I asked them all one question: When you go outside, how many security guards to you take with you? The answers were: 20, 6, 1, 8, 10, 2, 3, 8 and 5. No surprise. Some 3,000 people were kidnapped here last year by guerrillas, and many judges and journalists threatened with chilling messages, such as having funeral wreaths sent to their homes—with their names on them.

This is the terrifying context we have to keep in mind as we consider whether the U.S. Senate should approve the \$1.7 billion plan to strengthen Colombia's ability to fight drug traffickers and forge a peace with the guerrillas. There are two ways to think about "Plan Colombia." One way is to get wrapped up in the details—the helicopters, the training. The other way—the right way—is to step back and ask yourself what kind of courage it takes to stay in Colombia right now and be a judge who puts drug lords in jail or a politician who fights for the rule of law—knowing the criminals have millions in drug money and would kill your kids in a second.

It takes real courage, and that's why the people trying to hold this place together deserve our support. Sure, the democratic government of President Andres Pastrana isn't perfect. But it has a core of decent officials who every day risk their lives by just going to work. Ask yourself if you would have the same courage.

I asked Mr. Pastrana why he stays. "This is our country, it's the only country we have to leave to our children," shrugged the president, who was once kidnapped while running for Bogota mayor. "I believe in this country so much that even after being kidnapped, and even after having my wife's father killed by kidnapers, my wife and I had another baby—a girl. Look, we've sacrificed the best policemen, the best judges, the best journalists in this country. Whatever you want to write about us, don't write that we are not on the front line in the war on drugs."

I asked the head of Colombia's navy, Adm. Sergio Garcia, what it was like to be an officer here. He said it was sort of like being a movie star, with people always trying to get at you, only they don't want your autograph,