

back. But that has changed. We face formidable competitors in international trade. And the corporations who do the business around this world now separate themselves from nationalist interests, and they are simply interested in finding out where they can produce the cheapest and where they can sell for the best price. Often that mismatch means you can produce more cheaply if you find a Third World country in which you can produce and dump chemicals into the streams, pollutants into the air, and pay kids 14 cents an hour. You don't have all of the encumbrances you have producing in an industrialized country. You can produce whatever it is you are producing and ship it to Chicago, Pittsburgh, Charleston or Fargo.

The dilemma of all of that is the bifurcation of production and the means to purchase, which creates this trade deficit between countries. The trade deficit is a very serious economic problem. It is one of the few blemishes that exists on this complexion of good economic news. And we must begin to address it. I know that most people want to ignore it. They don't want to talk about it.

Interestingly enough, some of the economists in this town have always said that NAFTA and free trade are good. They said, "You know, our trade deficit is just a function of fiscal policy deficits. You won't have a trade deficit if you ever get the budget balanced." Guess what has happened? We have gotten the deficit under control and our trade deficits are still mushrooming. I really should, as a public service, rewrite the textbook, because the answers are now apparently wrong. In fact, we should get their names—some of the best economists in time who have said that—and I should get their quotes and bring them to the floor.

So those are the things that we need to have a thoughtful discussion about.

I appreciate the Senator from West Virginia raising the issue. He and I co-authored a piece of legislation, which is now law, that created a trade deficit review commission. It is my hope that the commission will soon begin meeting and sift through all of these policy areas and hopefully make recommendations to Congress in an expeditious way to allow us to get some new ideas and some new energy and new perspectives on this very critical issue. The commitment of the Senator from West Virginia, Senator BYRD, to passing that trade deficit review commission legislation—which is, as I said, now law—is very important and very helpful to this country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I thank the able Senator for responding to my questions.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### UNFINISHED IMPEACHMENT BUSINESS

Mr. KYL. Mr. President, I hadn't intended to speak today, but given the fact that we have a little bit of time, I thought I would share one of the things that is on my mind as we come back to work following the Presidents' Day recess and almost a month of impeachment proceedings, which is what we were doing the last time I sat at this desk a week ago.

There is one bit of unfinished business relating to the impeachment proceedings. Because the President was not removed from office, a lot of my constituents, over the course of this last week—people I visited with throughout the State of Arizona during the Presidents' Day recess—wondered what would happen, what would the precedent be, what would the standard be in court proceedings? What was the lesson, in other words, to be learned from the fact that the President was not removed?

I had to stop and think about what I was answering them with. I said: We should not take from that the fact that you can lie or that you can obstruct justice, that you can engage in conduct that is designed to subvert justice, to take the law into your own hands. That would be the wrong lesson. I spoke to schoolkids. One of the questions that kept recurring was: If the President is not punished, then won't that lower the standard for the rest of the country in the future?

My response, I think, is that we have to go back to what HENRY HYDE was talking about when he first appeared before the Senate at the beginning of the impeachment trial, and that we need to talk to the American people about this as a piece of unfinished business. The Senate trial has come to a conclusion; the President will remain in office; the impeachment proceeding is behind us. And that is all as it should be. But it seems to me that because there is a perception that the President was not punished—I will come back to that in just a moment—that, therefore, somehow there will be a different standard applied in the future, perhaps in sexual harassment or sexual discrimination cases specifically, but more broadly within the criminal justice system.

I think the piece of unfinished business is for all of us to commit ourselves to the proposition that the rule of law will not be diminished in the United States, that not only the lawyers and the judges in the judicial process but also all Americans, parents and teachers, talking to our children, and all of us working within whatever part of society we work, will recommit ourselves

to the rule of law in the United States and ensure that this case does not create a bad precedent; that we treat this case, rather, as an aberration, as the exception that proves the rule, as a situation which is unique because it involved one person, the President, and an impeachment proceeding which is unique under our Constitution; but that we not accept it as a precedent that you can, as I said, take the law into your own hands, subvert justice, and then get away with it.

In one sense, President Clinton has not really gotten away with his bad conduct. He was impeached by the House of Representatives, he was tried in the Senate, and half of the Senate voted on one of the articles to remove him from office. History will certainly judge that his reputation has been diminished as a result of his conduct. And for a person in political life, a President in particular, that is certainly some degree of punishment. In addition to that, the trust of his office has been diminished and he clearly has suffered some public opprobrium as a result of his conduct.

Therefore, I think what we have to do is tell young people that, even though his conduct was not perceived by two-thirds of the Senate as sufficiently serious to warrant his removal from office, it does not mean that he wasn't punished. So, in that sense, the lesson to be learned is there will be bad consequences from bad action but they may not be the most severe consequences that can attach to the action.

In one of the schools I spoke to, I said, "You have a yearbook here, don't you?" And they said, "Yes."

And I said, "Suppose you did something pretty bad, but it wasn't quite bad enough to be kicked out of school. But the yearbook has your picture on it and it says below it: This person lied and did something bad in class and everybody thought he should not be trusted anymore. But it wasn't quite serious enough to kick him out of school."

I said, "That would be a pretty bad thing, for everybody who reads that yearbook for 50 years later to see that written under your picture in the yearbook. But it's not quite bad enough to throw you out of school."

So, let's understand that what has happened to the President here is not good, it is bad, because he did something wrong. I am sure that people on both sides of the aisle will concede that his conduct was inappropriate. So in that sense he has been punished.

But in a larger sense, because he was not removed from office, there is still this perception hanging out there that perhaps the rule of law has been diminished; that now it is no longer the case that one will be able to prosecute for perjury or obstruction of justice; that perhaps in a sexual harassment or discrimination case there will be some new precedent established, the "Clinton standard," that you can actually

walk very close to the line of telling the whole truth, and if you choose not to do it and you are clever enough about the way you phrase things, maybe you will be able to escape punishment. Perhaps people who were punished for perjury in sexual discrimination cases ought to be no longer punished under those same circumstances.

That is what I am saying is our unfinished business. Every one of us who has something to say about it should say: No, this case does not stand for that. This was the President of the United States whom the Senate chose not to remove from office, the most severe thing that could occur to a President. And there were a lot of reasons for that. Some of our colleagues felt it would simply be too much of a disruption for our country. Some thought that the particular activity in this case was just not quite serious enough to warrant his removal.

Those of us who disagreed with that did so, among other reasons, because we believed that allowing the President to remain in office would subvert the rule of law; that this would be used as an excuse for people to lie in the future; that there would not be as much adherence to the precedents in the past, of ensuring that people who take the law into their own hands are appropriately punished. That is one of the reasons that many of us voted guilty in this case.

But I think even though we did not prevail and the President was not removed, that everyone in the Chamber would agree—all 100 of us would agree—that we do not want this case to stand for the proposition that you can subvert justice by impeding discovery or by lying, by giving false testimony; that you cannot do those things and expect that the rule of law in the future will be any less severe with respect to its consequences.

As I said, this case must be deemed the exception that proves the rule because of its unique circumstances. In every way that those of us who are permitted to do so, we must uphold the rule of law in the country.

Specifically, that means we must teach this to our young people. We must talk about it as lawmakers here, when we speak to the local Lions Club or local Rotary Club, wherever we may be speaking, that lawyers and judges in the country must strictly adhere to the law. Anyone who appears before a court as a litigant must themselves strictly adhere to these principles and never violate the law as it exists. And anyone who teaches with respect to what this means should take the position that it does not mean that one can take the law into one's own hands and succeed in subverting justice simply because of what did or did not happen to the President of the United States in this particular case.

The rule of law is important to this country because it distinguishes us from almost every other country in the world. There are certainly other coun-

tries in which one can expect to get relatively fair justice, but in the United States we consider ourselves unique. We have, for over 210 years, protected the rule of law in this country. We have ensured that even the least among us can get equal justice under law. And this country has done a great deal to ensure that principle is true, whether it is in the Federal courts or the local courts of the country; whether it is with respect to the rich and the powerful and the famous or, as I said, the least among us. In our system, the law applies equally to everyone.

We must ensure that remains the case. How many of us would want to submit our lives or our fortunes to the justice system—oh, let's just take one of the many countries south of us, for example—in the southern hemisphere? Or in Russia today, where one cannot even engage in commerce because there is not a rule of law which ensures that dispute resolution in commercial dealings will be done fairly? How many of us would want to be accused of a crime in one of those societies and have to defend ourselves or be sued in one of those societies and be assured that we would be dealt with in a fair way? In many of those countries today, unless you have the ability to bribe someone or to pay someone off, you cannot be assured of fair justice.

In the United States today, even though we do not want to go to court, every one of us knows that if we have to go to court, we can at least expect that we will be dealt with fairly because truth-telling is at the bottom of the judicial process and truth-telling will be enforced.

It will be maintained because it will be enforced, and we can point to many cases in which people who lied are now serving in jail because of their perjury.

That is why it is important to maintain the rule of law in our country. That is what the rule of law is all about. That is why it is important, and that is why we have to sustain it.

So, Mr. President, as I reflected on what my constituents were asking me, as I talked to them over the course of this last Presidents' Day recess in Arizona, and I thought about the importance of the rule of law in the United States to each one of us, and the questions that had been raised as a result of the fact that the President was not removed from office, I dedicated myself to talking about this, to writing about it, and to ensuring my constituents back home and, hopefully, people around the country will understand how important it is for all of us over the next weeks, months, and years to ensure that the rule of law is not diminished, is not subverted as a result of the Senate's action with respect to the impeachment of President Clinton.

One could draw that conclusion, but we must not permit that conclusion to be drawn. It is up to us to maintain the rule of law in the United States, and I believe that because of the dedication

to the principle of the rule of law and the fact that everyone in this country wishes it to remain strong, and the fact that all 100 of us in this Chamber, I am certain, and the Members in the House of Representatives as well, are dedicated to that proposition and do not want to see the result of this case diminish the rule of law; that all of us will rededicate ourselves to that principle and will do everything we can over the course, as I said, of the ensuing months and years to ensure the rule of law in this country remains strong and we will continue to provide in this country, as we have in the past over 200 years, equal justice for all.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine, Ms. COLLINS, is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. Con. Res. 12 are located in today's RECORD under "Submission of concurrent and Senate resolutions.")

Ms. COLLINS. Mr. President, seeing no one seeking the floor, 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. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 4 for debate only.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 4) to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999".*