

To his wife Ricki, Erma and I say, the love of your children and your friends and the mercies of an omnipotent God can, over the passage of time, be an anodyne to your grief. Be assured, Ricki, love is timeless, love is endless and Scott will be with you always.

And sometimes in the quietness of an evening or in the clear silence, as you gaze upon the lustre of the Morning Star, you may hear someone whisper:

If I should ever leave you whom I love  
To go along the silent way, grieve not  
Nor speak of me with tears,  
But laugh and talk of me  
As if I were beside you, for who knows  
But that I shall be, oftentime?

I'd come, I'd come, could I but find a way,  
But would not tears and grief be barriers?

And when you hear a song I used to sing  
Or see a bird I love,  
Let not the thought of me be sad,  
For I am loving you, just as I always have.

You were so good to me,  
So many things I wanted still to do,  
So many, many things to say to you.

Remember that I did not fear,  
It was just leaving you, I could not bear to  
face;

We cannot see Beyond . . . But this I know:  
I loved you so.

'Twas Heaven here with you.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me, on behalf of the entire Senate, thank the distinguished Senator, Mr. BYRD, for those wonderful words. I attended the memorial service for Scott Bates on Saturday and heard Senator BYRD deliver those reflections. And I guess there is no one in the Senate who could have done what Senator BYRD regularly does in expressing the collective will of the Senate.

With the passing of Scott, we lost a wonderful member of the Senate family. And Senator BYRD, not just on this occasion but on virtually all occasions like this, reaches out and touches others in a very special way.

I recall when my daughter died that Senator BYRD reached out to me and offered me a piece of prose that still sits in my top desk drawer. Senator HATCH sent me a white leather-bound Bible that still rests behind my desk for reference. That is what the Senate is like. It is not so much about Republicans and Democrats; it is about people who work together, who have a passionate interest in serving this country.

And it is not just those who are elected who have that passionate interest. There are a myriad of wonderful, qualified, committed, dedicated staff persons who work in this building who make this democracy of ours work. And losing Scott Bates was a tragic loss for all of us.

Frankly, I did not know Scott particularly well. I knew him as a fun person to banter and visit and joke with

from time to time and knew his sonorous voice as he called the roll. And I knew him as a very special member of the Senate family. But I believe on Saturday I got to know him well through his family.

Senator BYRD described the memorial service. I would say, as just one visitor to that memorial service, how wonderful it would be if all of us could leave such a family behind, as Scott did. His two daughters and the son who spoke at that memorial service are remarkable young people who will contribute much to our country. That is the lasting tribute to Scott.

So let me again, on behalf of the entire Senate, thank Senator BYRD for his presentation on Saturday. And, coincidentally, I had asked him this morning if I could have a copy of his presentation. He said he would be putting it in the Senate RECORD. Now all of the Senators will be able to share, with him, the words that he offered on our behalf on Saturday.

Mr. President, I would like, by consent, to be able to be recognized to speak on a different subject.

The PRESIDING OFFICER. The Senator is advised there are 35 minutes remaining on the Senator's side.

#### THE SENATE PROCESS AND FEDERAL BUDGET SURPLUSES

Mr. DORGAN. Mr. President, I think you can hear a collective sigh of relief around the Capitol Building now that the impeachment trial—only the second in the history of our country—is complete and we can turn our thoughts to other issues, turn our energies to other enterprises.

Most of us seek election to the U.S. Senate—whether it be from West Virginia or North Dakota or Arizona—because we feel passionately about public issues. And there are many, many public issues—both here at home and around the world—that should and will command our attention.

Recently I told my colleagues a short story about Teddy Roosevelt. I want to talk today about a couple of issues, and it is probably appropriate to start with Teddy Roosevelt. Teddy Roosevelt lost both his wife and his mother on the same day in different rooms of his home. And he was so stricken with grief that he decided to do something different with his life. He decided to go west for some while and see if he could find himself again.

Teddy Roosevelt had some resources, so when he made his decision to go west, he decided to go to the Badlands of North Dakota. He knew that in the Badlands there were cowboys, and so, I am told, he went to Brooks Brothers and ordered a cowboy suit to be made for him. And Brooks Brothers made a cowboy suit for Teddy Roosevelt. He got a bowie knife, a sterling silver bowie knife with an ivory handle, I un-

derstand, that had his name on it, and it said "Tiffany's." He bought it at Tiffany's. And he got silver spurs, and on the rowel of each spur were engraved his initials.

So when the train stopped in North Dakota for Teddy Roosevelt to disembark, to go to live in the Badlands and raise horses and cattle, this fellow stepped off the train wearing his Brooks Brothers cowboy suit and a pair of rimless glasses, with his bowie knife from "Tiffany's," and his sterling silver engraved spurs.

The cowboys in the Badlands thought, "What on Earth has landed here in Medora, ND"—this man they called four-eyes, with his rimless glasses and his funny Brooks Brothers cowboy suit and his sterling silver spurs. They made fun of him, poked fun at the way he looked. And then, as the story goes, in the Badlands saloon in Medora, ND, one unlucky cowboy goaded him too far and wanted to pick a fight with him.

It took only a matter of minutes, apparently, for this rather unusual looking character from the East, with his Brooks Brothers cowboy suit, to knock this local cowboy senseless in the Badlands saloon. Then the rest of the cowboys had a different impression of this fellow. Yes, he looked a little different, but he had some real mettle. They knew a little something about him. And Teddy Roosevelt, of course, went on to carve a rather rich chapter of his life ranching in the Badlands of North Dakota.

I told my colleagues that story some while ago because we are all kind of different. We gather here in the U.S. Senate, 100 of us, coming from different parts of the country with different philosophies. We even dress differently from time to time. And so we come to this place, this place of debate in our democracy, from all kinds of different perspectives. But we respect each other. We do not make fun of each other. We know that each arrives here with a passion and a mission on behalf of those who sent us here to do the best we can for this country.

We do not settle our disputes with saloon fights. We do it through debate. We respect the other person's view. We might disagree with it in a very aggressive way, but we respect each other. And through the process of public debate, the give and take, the process of democracy works.

Now we turn our attention from an impeachment trial, which I think was difficult for every single Member of this Senate and for the country, to other issues—health care, a Patients' Bill of Rights; education and how we improve our schools; what we do to strengthen Social Security and Medicare; and more.

There are two enduring truths about the last quarter century for everyone who serves in the Senate. One is that

we have experienced a cold war that consumed a substantial amount of our energy, time, and resources; the second is that we have had crippling Federal budget deficits. Both of those enduring truths have now changed. The cold war is over and the Federal deficits are no more. The Soviet Union is gone, the cold war is over. That changes a great deal of our international issues and attention. The crippling Federal budget deficits that used to grow year after year are gone and we now see predictions and projections that year after year we will experience Federal budget surpluses.

Since those two enduring truths have changed, I want to focus on one aspect of them today, and that is the reason I came to the Senate floor. We have people who now say that because the Federal budget deficits are going to turn into Federal budget surpluses, let us very quickly propose returning \$500 or \$600 billion in tax cuts to the American people over the next 10 years.

I want to talk about the merit of that. It would be a tragic mistake, in my judgment, for this Congress to decide that—at the first sight of budget surpluses, after a long, dark period of mushrooming Federal budget deficits that have accumulated to a \$5.5 trillion Federal debt—we should try to outbid each other on who can return more tax money to the American taxpayer.

I think the greatest gift that we could give to America's children would be to decide that when we turn the corner and experience real budget surpluses, we begin during good times to reduce the Federal debt. There can be no greater gift to America's children than for us, during good economic times, to begin reducing the crushing Federal debt. That debt, as I said, stands at \$5.5 trillion.

I have a chart that shows what kind of surpluses we are expected to experience over the next 10 years, recognizing of course that none of us can know with certainty what will happen next week, next month, or next year. The budget surplus, which is the top line of this chart—and these figures came from the Congressional Budget Office—amounts to more than \$2.5 trillion over 10 years. That doesn't mean very much to me because that is not a real surplus. It is a surplus that is made possible by the use of the Social Security trust funds which, in my judgment, cannot be used to calculate a budget surplus. The second line of the chart calculates what happens to our surplus if you take the Social Security trust funds and set it aside—which ought to be done—for the purpose of saving it for the time when it is needed as the baby boomers will retire. The real surplus, then, begins in the year 2001.

In 1993, when President Clinton took office, he inherited a budget deficit that year of about \$300 billion. That has turned around dramatically. We

have in this country experienced wonderful news with an improving economic outlook in this country. So we have gone from about a \$300 billion deficit to a \$7 billion deficit in the upcoming fiscal year—almost a balanced budget. The next year the budget will be in balance, even without counting Social Security trust funds, and that is the prediction for every year thereafter for the following eight years.

The question is, What do we do as a result of that? We have people rushing through the door saying, let me propose a \$650 billion income tax cut. Some say a 10-percent across-the-board income tax cut. Aside from the merits on that issue, I happen to think that the crushing tax burden is not the income tax, but the increasing payroll taxes that American workers have had to pay. Most working families in this country pay more in payroll taxes than they pay in Federal income taxes.

My point is this: As we begin to construct a new fiscal policy rooted with the understanding that we no longer face crippling budget deficits, let us start to think about our priorities. The easy politics would be to say, let's just give a lot of tax cuts, let's talk about across-the-board tax cuts. But a much more responsible approach, in my judgment, would be to say during good economic times it is required for us to begin the long process of reducing the Federal debt. Now, if that is a priority—and I hope it will be for the majority of the Members of the Senate, reducing America's debt during good economic times—that should be, in my judgment, complemented by our understanding that the Social Security system also needs shoring up. We must reserve some of our projected surplus to make that system whole and well and solvent for the long term.

I want to make a point about Social Security because some people wring their hands and gnash their teeth because of the problems we have with Social Security. These are not big problems. The Social Security problem—to the extent there is one—is born of success. One hundred years ago, you were expected to live to age 48 in this country; today, the life expectancy is almost 78. We have increased life expectancy by 30 years. People live longer and better lives for a lot of reasons. That is success. Does that cause some strain to the Social Security system? Of course it does, but it is born of success. And let us not wring our hands about that. We can easily resolve these issues.

Third, in addition to reducing the Federal debt during good economic times with this budget surplus and making certain that we are responsible for making Social Security solvent for the long term, the proposal that the President and some others have offered, to use any additional tax cuts outside of that for the purpose of pro-

viding incentive for savings, makes a lot of sense to me. Encouraging personal private savings in this country, which the President proposed through USA accounts—and there are other approaches—seems to me to make a lot of sense in terms of creating the foundation for long-term, solid economic growth for the next two, three and four decades.

Having said all that, let me make this point: We in this country have the strongest economy in the world right now. I studied economics in college and then I taught economics in college very briefly. That experience hasn't hindered me, but nonetheless I taught some economics. One of the things you teach in economics is that there are two principles you strive to achieve in an economy—stable prices and full employment.

In our country's current economy, we have virtually no inflation and we have nearly full employment. And we—at a time when the Asian economy is weak, when the Russian economy has collapsed, when the Brazilian economy is weak—have the strongest economy in the world. Is it by accident? I don't think so. I don't happen to think that Republicans or Democrats have the answer either. It is not as if, somewhere down in the engine room of this ship of state, there is an engine with dials and knobs and a lever, and if we can just find the right dials and knobs and levers to pull and push, the right amount of tax cuts, the right amount of spending, the right amount of M1, that somehow the ship of state will do fine. I don't happen to think the engine room works that way.

Economies have everything to do with the confidence of the people. When people are confident about the future, they make individual decisions such as: I will buy a car; I will buy a house; I will make this investment because I am confident about the future. They make those kinds of decisions based on their confidence. That creates the foundation for an economy.

When people are not confident about the future, they say, I will not make that purchase; I will defer buying an automobile; I will defer buying this home because I am not so confident about the future.

So it is the confidence of the people upon which this economy rests. All of the indices show the American people are confident about the future because the President and the Congress together—I am talking about all Members of the Congress coming together—have made some good decisions in recent years, decisions that say deficits matter, and we are going to tame them.

That isn't to say that we shouldn't continue to invest—even as we tame the Federal budget deficits. We are going to invest in the kinds of things that will make this a bigger, better,

stronger country. We had, as the Senator from West Virginia will recall, a vigorous debate in the last Congress about a highway bill. Some around here were just wringing their hands about the amount of money we were going to spend on highways.

The money that we are going to spend on highways, coming from the gasoline tax collected at the gas pump when people fill up their cars with gasoline, is going to go into improving America's infrastructure—building roads, repairing bridges, and generally making us a better country. It is an investment in our country, just as it is an investment in young people to improve schools. It is an investment in our future. Ben Franklin once said, "Anyone who puts their purse in their head will never lose their purse." That is what education is about. Education is an investment in our children.

We have made a lot of thoughtful decisions in the last 6 or 8 years; frankly, it can go well beyond that. We can go back to the 1950s when we talk about roads and think of the decision that President Eisenhower and the Republicans and Democrats in Congress made about an interstate highway system. You could ask yourself, could anybody in this country justify building a four-lane interstate between Fargo, ND, and Beach, ND, all those hundreds of miles where there aren't a great deal of people? You could have had one of the watchdog organizations pull that apart in the fifties and say, "Look what they are spending where not many people are living." But President Eisenhower and Congress said that we are going to link this country together with the interstate highway system. Transportation is universal.

We have done a lot of good things, and a lot is left to be done. As we deal with fiscal policy and especially with the question of tax cuts and budget surpluses, I hope we can make thoughtful and good decisions for the long-term future of this country. I think very strongly that the first priority is for us, during good economic times, to reduce the Federal debt. The second priority is to say we owe it to the Social Security system to make it whole. The third priority says let's encourage private savings through tax cuts because that strengthens America in the future as well.

Mr. BYRD. Will the distinguished Senator yield?

Mr. DORGAN. Of course.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his comments. They are timely and they are very persuasive to me. I join with him in expressing hope that we will apply these surpluses to reducing the national debt—after, of course, shoring up Social Security. And we have to think of Medicare, also.

I have been in politics now 53 years. The easiest vote that I ever cast was a

vote to cut taxes. It didn't require any courage on my part. And likewise, one of the most difficult votes is a vote to increase taxes. We have to do that from time to time.

Now, if Congress passes legislation to provide for tax cuts—and there may be some areas of tax cuts that I can very well support—but generally speaking, if we do, of course, the legislation that Congress enacts to do that would be permanent legislation, will it not, until changed? So if after a while—not 10 years hence, as the distinguished Senator has shown on his graph, but 5 years hence, or 4 years hence, 3 years hence—we hit upon hard times, then what? Would the reduced taxes continue, unless Congress legislated to increase them again? Would they, may I ask the Senator?

Mr. DORGAN. The answer, I say, to that is once you change the Tax Code, that change is generally permanent unless altered. We have had the experience before of a very aggressive appetite to reduce taxes, only to discover that we run into a recession, experience very significant Federal budget deficits, and then the confidence of the people about the future tends to erode and you have a further economic contraction.

I say to the Senator from West Virginia, one of the things that I think is very important is to the extent that there would be tax cuts following a reduction in Federal debt and shoring up Social Security, I hope that it will be triggered by the actual experience of the surplus. If you don't have a mechanism to trigger the tax cuts, what will happen ultimately will be an economic slowdown—nobody has repealed the business cycle—and experience significant budget deficits.

Mr. BYRD. Then it would be incumbent upon us to make difficult decisions and act to increase the revenue again.

Well, I join with the Senator. I think he performs a great service in calling to our attention and to the attention of the American people the options we face. I hope that Congress will think long and carefully about what we do. We are in a happy situation, but who knows how long the situation will remain happy. I see Alan Greenspan down in that engine room, and he is entitled to a good many compliments from all of us for the good work that he has done, the vision that he has displayed. But I join with the Senator and I hope he will help to lead us as we move forward in the coming days and use his good economics. I think I had about one semester of economics when I was in high school, and that is about it. But the Senator from North Dakota has had excellent training, a fine education in that field. I am going to continue to listen to him and look to him for leadership as we go forward. I thank him very much.

Mr. DORGAN. Mr. President, I thank the Senator from West Virginia. I raise this issue today only because it will be one of perhaps five or six significant issues we will debate in the coming months. I do not think that my idea is exclusively good and that there are no other good ideas out there. I have great respect for others here who might disagree strongly with my view on these issues. I want to, as we begin this debate, at least stake out the ground that some of us would feel strongly about—debt reduction and other responsible actions in fiscal policy.

I look forward to this. This has been a tough 6 or 7 weeks as we have started this session because of the impeachment trial. Most of us come here relishing the idea and fostering the appetite for debate about the public issues that really matter to this country in economics, health care, and education. So I look forward to it in the coming days and weeks.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. Yes.

Mr. BYRD. I don't want to prolong this, but would he respond to this question: How do our massive trade deficits play into this whole equation?

Mr. DORGAN. Well, as the Senator knows, I have felt very strongly about our trade deficits. The one area of our economic performance that is very troubling is the area of trade indebtedness that continues now to mushroom. In fact, just in the last week, we saw an announcement that we have experienced the largest trade deficit in the country's history. I am particularly concerned about our merchandise deficits, because that reflects the deficits in terms of the goods that you produce, not services and because it is an indicator of the health of the manufacturing economy.

I don't think you can remain a world economic power unless you have a vibrant, strong manufacturing sector. I am very concerned about the trade deficits, and I have spent a great deal of time talking to our Trade Ambassador and this administration.

I think our trade policies need adjustment. It is not that I don't believe we shouldn't have expanded trade around the world; of course we should. But this country needs to stand up for its own economic interests in a thoughtful and useful way. We need to stand up for our interests with respect to the Chinese, the Japanese, the Europeans, and others to say that our market is open to your goods, it is wide open, but only on the condition that trade between our country and yours is fair.

During the first 25 years after the Second World War, we could have foreign policy masquerading as trade policy, or the reverse, and we could beat anybody on the globe in international trade with one hand tied behind our

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