potentially enormous sums later down the road. Congress did not foresee, nor did the White House, when the original budget was presented last year, the full cost of our Bosnia role, or the need to upgrade security at our embassies, or the scope of the farm crisis today.

Again, it is my hope that perhaps some of this could be offset by reductions elsewhere in the budget. But the fact is that the budget agreement that was agreed to, which led us on the track toward the reduction of that $292 billion deficit to a surplus today, was premised on the assumption that we would, from time to time, have emergency needs that would have to be funded outside of the budget. There is no surprise to that. I think we need to use discipline so we don't wind up denominating everything that comes along that we would like to do as an emergency. But it is in the nature of emergency funding, and it is one time only that it could not be reasonably foreseen, as these were not either by the White House or by the Congress, and that they have some extraordinary level of urgency about them.

The budget agreement that led to this elimination of the budget deficit did foresee that we would have these emergencies come up from time to time. So nobody should be surprised today that we do, in fact, have a need to address some issues that may have to be outside the pay-as-you-go framework that has, overall, led us to the budget deficit. But what we cannot afford to do is to use Social Security surpluses as a source of funding for nonemergency, in perpetuity-type expenditures, whether it be domestic spending programs or for tax relief that could not otherwise be funded. I, for one, think that the next priority, after preserving Social Security, probably ought to be to begin to pay down the existing accumulated debt that this country has in the $5 trillion range, or more. To the extent that we do that, we are, in fact, hoping that every taxpayer in this country—to the extent that the U.S. Government is not competing for credit dollars and that we bring down interest rates—buying a car, buying a home, sending a kid to college, or expanding a business and creating jobs, is made easier and all the more affordable for the private sector of our economy to do.

If we act with budget responsibility here, keep our Federal budget in equilibrium with the pay-as-you-go mechanism that was passed initially in the 1993 budget agreement—legislation which has passed and has contributed more than any other single legislative policy step taken in Congress, passed without a vote of a single Republican Member, passed exclusively with Democratic votes in both the House and the Senate. And there were many Members of Congress, many Democrats, frankly, who lost their seats in Congress, in the House and the Senate, over the controversy, over the contention, that the passage of that landmark legislation caused because it was a bold step. It was a courageous step. It reduced our Federal budget deficit from $292 billion to a surplus today. But as is often said in politics, no good deed goes unpunished. And that was certainly the case of many of our colleagues who are no longer here; who did the right thing and paid a dear price for it. But here we are with positive consequences of that legislation which has led us now to a surplus with a unified budget. The great danger we have is to abandon the discipline which that budget legislation set in place.

I am hopeful as we finish up these closing weeks that we will reject this shortsighted and I believe somewhat demagogic, frankly, effort coming out of the other body to raid the Social Security trust fund.

I hear people saying, ''Well, the President wants to address emergency crises. So we ought to just pile on and spend more money out of the Social Security trust fund.'' That is the logic that is not worthy of a third grader, in my view. We have some emergency crises of one time only that we will face, and we will decide how to finance that, whether it is out of the ordinary budget, or whether it is through an offset, or some combination of both. But to set us on track down the road in perpetuity for nonemergency, long-term expenditures out of the Social Security trust fund makes no sense whatever.

Of the $1.6 trillion surplus projected over the next decade, virtually the entire sum is attributable to Social Security and the interest earnings due to Social Security.

So let's resolve one problem at a time: Maintain the discipline that has made this much progress over the last half dozen years of the Clinton administration; preserve Social Security so we can make some difficult policy choices in the coming years about what we need to do further to maintain its viability on into the next generation. When we have done that, then we may be in a position ultimately, if we have surpluses at that point, to decide what combination of investments in our schools, in child care, in health care, in medical research and, yes, possibly in tax relief for American taxpayers might be able to come out of that surplus. But don't get put the cart before the horse. Do not be demagogic in an election year about this kind of issue. We need some statesmanship. We need some bipartisan responsibility as we deal with what I believe is one of the most fundamental most challenging responsibilities that our Congress has; that is, how do we sustain our economic growth? How do we sustain the pay-as-you-go discipline that has brought us to this good point after so many years—after 30 years—of budget deficits?

Mr. President, I conclude by saying that it is certainly my hope that statesmanship will rise to the top; that we will abide with the President's recommendation; that we not raid the Social Security trust fund during these closing days of this Congress; that we go home and tell our constituents that we did the right thing; we did the right thing by them; we did the right thing by our government; we did the right thing by our Nation by retaining fiscal responsibility; and by preserving the opportunity to have a strong Social Security program on into the future years, at least until we decide what future changes are needed. By doing that we will keep the cost of money down for the private sector, and we will do as much as possibly can be done to put us on track to sustain what has been record economic growth, low inflation, low unemployment, and increased opportunity for all of our citizens.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the status of the floor at the moment?

The PRESIDING OFFICER. Under the previous order, we are in a period of morning business.

Mr. THOMAS. I ask unanimous consent that I be allowed 10 minutes in morning business.

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

APPROPRIATIONS BILLS

Mr. THOMAS. Mr. President, I have been wanting to come to the floor for some time to talk a little bit about the situation that we are in here in the Senate, here in the Congress, the amount of work that we have to do in a relatively short time, and, frankly, to urge my colleagues that we get on with it.

The immediate need, of course, is to deal with the appropriations, to deal with continuing to finish what has to be done this year so that we keep the Federal Government operating, so that we do the things that need to be done.

At last count, it seems to me, out of 13 appropriations, I think only three have been passed: one prepared by the Presiding Officer, which is the only one I think signed by the President.

In any event, we have a great deal to do. Of course, as is always the case, there are many things being talked about, some of which are amendments on appropriations. Others are free-standing bills. But a lot of things could wait. None of us like to see things wait that are ours, of course. But I guess I am prepared to say that the appropriations are what we need to do, and finish this job so that a week from Friday we will be out of here. I think that is what we really need to do.

It is an opportune time, having had almost all year dealing with appropriations, to remind my colleagues that we ought to take a look at a biannual appropriations process where we do that every other year, where we appropriate for 2 years as they do in almost all legislatures, which not only gives the agencies more time to know what

money they have to spend, but I submit to you that one of the important things that the Senate doesn't do as well as we should, which is oversight. One of the reasons is we spend all of our time on appropriations. So I hope that is something that we can do.

I understand it is perfectly proper to promote those things that you feel strongly about. I understand that there are different points of view. That is part of the reason for this system. Substantially we have different points of view: The more liberal point of view, and the more conservative point of view. Those are valid, and we ought to promote them. But I think when we have diversionary tactics, as we have seen on the other side of the aisle over the last month, that keep us from doing what we ought to do, that we have to take kind of a long look at it.

It has been clear for some time that has been the strategy—to move off of appropriations—a strategy of my friends on the other side of the aisle to move off of those onto other kinds of things.

I hope the total end game is not to get us into this business of threatening to shut down the Government so that the President has leverage to tell the Congress we are going to do this or else. That is not good government. That is not what we ought to be doing. And I hope that doesn't happen.

The Interior bill is a very important one, particularly to me. I happen to be on the Interior Committee. I stay very involved because of the large amounts of Federal lands that have been sidelined largely because of unrelated issues that have been used almost daily—issues like campaign finance reform, important as it may be. We have already dealt with that several times. It continues to come up. It continues to be threatened. Minimum wage—we have been through minimum wage, which continues to come up constantly. Patients' Bill of Rights. Good idea. And there are two Patients' Bills of Rights out there—one, of course, by the Senator from Massachusetts, one by the Republicans. Many of the components of the bills are the same. There are some very important differences. But that comes up constantly, and I am afraid what is happened is, it is simply being used to extend it as a political activity through the election time without really the purpose of passing it at all. I think the majority leader has said that there is a desire apparently to debate the bill as long as possible to use it as a campaign issue.

Now, that is too bad. That is too bad. There is no one who likes to argue about different points of view better than I, but we have things to do and we ought to be moving, we ought to be moving on them.

So the President, I think, has joined in that diversionary tactic now. His spokesman, McCurry, is saying that these appropriations bills will have to be done to the President's satisfaction. Well, I want to remind the Senate, as did our good friend, BOB BYRD, the other evening, that—let me quote from his talk to the Senate a week ago—

> The legislative branch must be eternally vigilant over the powers and authorities vested in it by the Constitution. It is vitally important to the security of our constitutional system that checks and balances and separation of power be maintained.

He said further:

> We as legislators have a responsibility to work with the Chief Executive, but it is intended to be a two-way street. The framers did not envision the Office of President as having the attributes of royalty.

I certainly agree with that. And that is kind of what you see as we come down to the end of the appropriations—some attributes of royalty: It is either my way or the highway.

Well, that is not the way you do legislative business. That is not the way it turns out best, and it is not the way we ought to be doing it.

My good friend from Arkansas spent some time the other day speaking in terms of where we are with the economy. He was talking specifically about the proposed House tax reduction and was citing the 1993 Clinton tax increase as the reason for the balanced budget.

I take exception to that. I don't think there is any evidence of that at all. He pointed out it was the largest tax increase in history, with not a single Republican vote. But anyone can raise revenue to close down the deficit. What you have to do is hold down spending, which has never been done by the White House, has never been done by this administration, but has in fact been done by the Republican Congress since 1994.

Really, balancing the budget is the control of spending, and that is the way it ought to be. That is the way it ought to be. We have the highest taxes now that we have had since World War II, and we ought to do something about that. The American people and the business community are the ones who have balanced the budget by successfully competing in the world marketplace, by creating jobs and paying taxes.

I had a letter from a constituent in Cody, WY, who has a point of view not everyone would agree with, but I thought it was interesting. He was talking about President Clinton's claim to have balanced the budget, and he said—this is from his letter:

> This is an extraordinary conclusion. It is mind-boggling because President Clinton has nothing to do with the successful economy. In fact, his efforts have only created problems for the business community—overtaxation, overregulation, endless legal challenges.

That is a point of view. In any event, I think it is necessary to really be more precise about where we are.

It is interesting now; we hear, of course, the President speaking out several times talking about ''save Social Security,'' and that all the surpluses ought to be saved for that. I think we ought to keep in mind that the Social Security surpluses over time have been used for Government spending, have constantly been used by Democratic Congresses all through the years, without having a balanced budget. The idea from the White House of ''saving Social Security'' has been a soundbite really without any outline particularly of how that is going to happen. We have to have some ideas, and there are some out there that are legitimate and good ones.

The idea of saving the surplus and then coming up with almost a $20 billion supplemental request out of the same fund doesn't make any sense at all. It doesn't make any sense at all. We need to do something about Social Security. I am not a big fan of tax cutting, frankly. I think it might be more important to pay off some of the debt. This year, the defense budget will be about $250 billion and interest on the debt will be almost $25 billion more than that, about $275 billion—interest on the debt, paying for things that some of us have enjoyed and these young people sitting down here are going to pay for because we put it on the credit card.

It wouldn't be a bad idea to pay off some of that debt. It seems to me maybe that is what we really ought to do.

There are ways to fix Social Security, even though the White House hasn't come forth with any program except to say ''save Social Security.'' There are some ideas that are good ones. Take part of the 12 percent, let it be made into a personal account for you and for me, and be able to invest it. And we can do that. And the return, of course, would be much greater. Furthermore, if for some reason you don't utilize all of it, it becomes part of your estate. It is something that people then would own.

Now, that is a solution. That is more than just talking about ''save Social Security'' without having any plan to do that.

So, Mr. President, I hope that we can address ourselves to this idea of completing our work here. I hope that we don't find ourselves using the special allocations beyond spending limits as a means of increasing the budget without moving the spending limits. I think we have promised ourselves we were going to do that. It seems to me that we—and this, of course, is my view; not everyone shares it; I understand that—ought to have several objectives over time, and one is to have a smaller, more efficient Government. I think we ought to constantly work for that.

There are lots of things we are doing that the Federal Government doesn't do perhaps as well as local government, doesn't do as well as the private sector. We ought to pay down the debt so that we don't have this problem of the single largest line item in the budget is to pay interest on the national debt in this time of great prosperity. We ought to reduce taxes. We have, since World War II, the highest taxload on families in this country, and we ought to

change that. Generally, in my view, they ought to be taken in that order.

So, Mr. President, I guess I have shared my view that we have some really important things to do. We have a very short time to do it. I hope we can get the obstacles out of the way and deal with our differences. We have them, but let's resolve those questions that are our responsibility to resolve.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Who seeks recognition?

Is there further morning business? If not, morning business is closed.

INTERNET TAX FREEDOM ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

Motion to proceed to the consideration of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exaction that would interfere with the free flow of commerce via the Internet, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

ADDITIONAL COSPONSORS—S. 2182

Mr. GORTON. First, Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of S. 2182, the Private Use Competition Reform Act of 1998: Senators KYL, LEAHY, GRASSLEY, SMITH of Oregon, WYDEN, and HOLLINGS.

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

INDIAN TRIBES AND THE ENDANGERED SPECIES ACT

Mr. GORTON. Mr. President, my constituents in the Pacific Northwest and the Members of this body know that I am not a fan of the current version of the Endangered Species Act, a law that has proven to be a failure not only for endangered species but also many rural communities and private property owners as well. In fact, I have spent much of my time as a U.S. Senator looking for ways to improve that law. The Endangered Species Act has inflicted grave harm on natural resource industries based in the Northwest with little to show in return, especially if we attempt to measure the law's success in bringing salmon back to Northwest rivers and streams.

In fact, the Puget Sound region faces the possibility of more ESA listings over the next year. Local leaders in the Pacific Northwest looked to the Washington State congressional delegation during this year's appropriations process for funds to implement the salmon recovery plan personalized to respond to our unique needs in the Puget Sound region. I believe that we will be successful. The local scientists and leaders know that a creative plan that is supported by the communities surrounding the Puget Sound area will be the best chance we have to achieve success and avoid the heavy hand of the Endangered Species Act, a law implemented by D.C. bureaucrats with plans and standards that may not fit with the challenges and competing interests that must be balanced in the Northwest.

As my constituents put all of their energies behind this last-ditch effort to avoid the crushing impact of yet another listing in the Pacific Northwest, another group has been using every tool at its disposal to avoid the implications of the Endangered Species Act on its activities.

Puget Sound and Columbia River Indian tribes in Washington and Oregon are proclaiming themselves exempt from the constraints already imposed on their commercial fishing for salmon and steelhead by the Endangered Species Act. As a result of Clinton administration Executive and Secretarial orders, Pacific Northwest tribes believe they should be able to decide for themselves whether or not to restrain their commercial gillnetting activities, while at the same time nontribal commercial and sport fishers face the full impact of the Endangered Species Act in the form of extensive fishing closures.

On June 5, 1997, the Secretaries of Commerce and Interior issued a joint Secretarial order declaring that Indian lands and activities are not subject to the same controls as Federal public lands and privately-owned lands when it comes to enforcement of the ESA.

This Secretarial order, signed by Commerce Secretary William Daley and Interior Secretary Bruce Babbitt, was the result of more than a year and a half of negotiations among Clinton administration, Federal Government agencies, and Indian tribes from across America. President Clinton's similar Executive order was signed on May 14, 1998.

Mr. President, I am frustrated and dismayed. While I have identified many flaws in the D.C.-driven implementation of the Endangered Species Act, I also strongly believe this law will have no chance of success if the administration is allowed to decide certain segments of the population and certain interest groups are not bound by it. The Members of this body have heard me criticize the enormous amount of money spent without result by the Federal Government in an attempt to save species of Pacific Northwest salmon and steelhead. In fact, it is estimated that each endangered or threatened fish preserved in the Northwest may have cost tens of thousands of dollars, if we consider the amount of money spent on recovery efforts as compared with our level of success. We must get a better bang for our buck, and I don't see how we can improve the return from our investment unless everyone in the Northwest complies with the restrictions imposed by the Act.

In response to the unilateral actions taken by the administration over the last 2 years, which I consider beyond the scope of Executive and bureaucratic authority, I included a provision in this and last year's Interior appropriations bills expressing the contrary intent of Congress. The Endangered Species Act, as written, should apply equally to all Americans.

Before the negotiations that resulted in the Secretarial and Executive orders I mentioned, the Federal Government's position was that ''ESA applies to Indian Country, period.'' By the time negotiations were completed, however, the Clinton administration had capitulated to tribal demands that the tribes decide for themselves, on a case-by-case basis, whether or not to respond to the conservation principles of the ESA.

How can the Endangered Species Act work unless tribal fisheries share equitably in the conservation burden?

The Clinton administration is pursuing a policy of preferential treatment. Under this policy, the conservation burden falls mainly upon non-Indians. According to the orders released by the administration, restrictions on Indian harvest of endangered and threatened species, both on and off-reservation, can be considered only if ''the conservation purpose of the restriction cannot be achieved by reasonable regulation of non-Indian activities'' and ''voluntary tribal measures aren't adequate'' to achieve ESA goals

It certainly wasn't Congress' intent when the Endangered Species Act was passed into law that any group of Americans would be exempted from its provisions or that one group should have to bear conservation burdens greater than another group. And Members of this body know that non-Indians certainly can't stave off the impact of the Endangered Species Act by pursuing ''voluntary'' recovery plans after a species has been declared threatened or endangered.

The efforts of the administration to exempt tribes from the Endangered Species Act don't stop at Secretarial and Executive orders. The National Marine Fisheries Service recently issued a draft rule modifying existing tribal exemptions under the ESA. Not only will tribes be able to continue ''ceremonial and subsistence'' take of threatened or endangered species in tribal fisheries, the tribes also will be able to engage in ''commercial'' take of threatened species, such as chinook salmon and steelhead trout.

Allowing a tribal commercial exemption from the ESA would dramatically reduce the likelihood of recovery for threatened or endangered salmon and