

justification for lowering the ambient air standards. Consequently we started having hearings.

Our first hearing was with the scientific community. We had representation there from CASAC, that is the Clean Air Science Advisory Committee. It was somewhat unanimous among all the scientific community that there is no scientific justification for lowering standards.

One of the things that was rather interesting that came up in that first hearing was a group of young children, we understand now, that came from some hospital who came in wearing masks, as if to say, "You must lower these standards or we're not going to be able to breathe."

I think a great disservice was done because it came out during the course of that hearing that these children used breathers, respirators; they were using various medical equipment that has the chemical CFC in it that allows them to breathe. At precisely the same time that the Administrator of the EPA was saying that we had to do something about lowering the ambient air standards so these young people could breathe, I asked for a show of hands as to how many of them used, in their particular medical devices, CFC's. Every hand went up.

I asked, "How many of you are aware of the fact that Administrator Browner, the same one who is advocating lowering the standards, has said she's going to take CFC's off the market so you folks would not be able to use these in your breathers?"

I was pleased to find out this morning that Senator TIM HUTCHINSON from Arkansas has introduced legislation that will keep the EPA and the other various bureaucracies from taking this chemical off the market. I certainly applaud him for that. I will join him in that effort.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ISTEA AND CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, I notice that we are in a situation today that is no different than the circumstances we found ourselves in before we left for the recess last week, and that is the bill that is on the floor of the Senate is the highway reauthorization bill, or ISTEA. Most people want to get some progress made on that piece of legislation.

I might say to the Senator from Rhode Island and the Senator from Montana who are managing that bill, I

think they have done an extraordinary job with that bill and I support what they have done. I very much want the Senate to be able to complete its work on the highway reauthorization bill.

I also am someone who believes that if the Senate leaves after this first session of Congress without having dealt with the underlying bill of the campaign finance reform issue, more specifically, McCain-Feingold, we will not have done what we should do for the American people on that issue. It is clear we have a serious problem in campaign finance. It ought not be lost on the American people. I am sure it is not. We have a system here that is broken. There is money ricocheting around every crevice of this political system.

There was a story in one of the newspapers today, some new groups are coming together, suggesting each of the organizations and groups contribute a million dollars so they can do new independent campaign expenditures. The fact is there is all this money ricocheting around the political system, and it ought not be lost on anybody that this system is broken and needs fixing.

How do we fix it? There are a number of different ideas, but the McCain-Feingold is one that has been worked on and a lot of time has been spent on that proposal. At least we ought to have the opportunity for a vote on the McCain-Feingold proposal. We were told prior to bringing the highway reauthorization bill to the floor of the Senate that we would debate campaign finance reform. In fact, it was on the floor of the Senate for some long while, but we never got to a vote on the substance of campaign finance reform because all we did was talk and talk and talk, and then it was pulled from the floor before there was an opportunity for a vote.

That is our dilemma. We have kind of a self-imposed set of circumstances here where shackles have been allied in this legislative process so that, first, we can't get a vote on campaign finance reform, and, second, we have the highway reauthorization bill on the floor which we need to pass—it is a good bill, incidentally, which we need to pass—but it is brought to the floor with a Byzantine kind of structure in which the parliamentary tree is filled with amendments and second degrees and they have done what is called fill the tree so that no one else can offer any amendments on this legislation. So we find ourselves in a circumstance where we have gridlock, a self-imposed gridlock, because some are worried that we will force a vote on campaign finance reform—a vote, incidentally, I think the American people would like to see us have. So the result is they take a bill such as the highway reauthorization and load it up by filling the tree so that you can't do anything on that, either.

Now, I am thinking that perhaps later this afternoon I should come

over—I guess what we have is a tree filled and the last amendment is a second-degree amendment—and maybe I should ask for the yeas and nays on the second-degree amendment. I think the yeas and nays would be in order on the second-degree amendment, so perhaps in order to try to end this gridlock, we ought to at least ask for the yeas and nays on the second-degree amendment.

In fact, let me just say for the record, the second-degree amendment as constructed by Senator LOTT, the majority leader, is one I will support. So if we get the yeas and nays, and I will vote for it, presumably a number of Members of the Senate would vote for it sufficient for it to pass, and then at that point the tree isn't full and people can come out here and offer amendments. Then we have one of two opportunities to do business: Either someone can come to the floor and offer an amendment to try to get a vote on McCain-Feingold, the campaign finance reform bill that will reform the campaign finance system, or someone can come to the floor and offer an amendment on the highway reauthorization act.

Either of those alternatives is preferable to the circumstance we now find ourselves in. It does no service to the Senate to say, first, we don't want to vote on campaign finance reform, so second, we will bring the ISTEA bill or highway reauthorization to the floor of the Senate and then tie it up with the same rope that we used to tie up campaign finance reform so that we are not able to move on either.

I again observe perhaps the approach should be for one of us, perhaps myself or someone else, to come over this afternoon and ask for the yeas and nays. I assume we can find enough friends to come and get a sufficient second, and at some point we can get the yeas and nays on the second-degree amendment, which is the lowest hanging fruit on this bitter tree that has been constructed, and at that point maybe we can offer some other amendments. My first choice would be campaign finance reform, get a vote on that and move on, but if it is not that, at least other amendments, so we can make progress on what I think is a very good highway reauthorization bill.

I began by complimenting the Senator from Montana. He was not here, and the Senator from Rhode Island, I don't know if he heard, but you have brought a bill to the floor of the Senate that is an extraordinarily good bill. I like this piece of legislation. This country needs your legislation. I think the country will be better served by having the Senate pass it and going to conference and getting more than a 6-month extension that seems to be the mood on the other side. To the extent we move this bill and put in law some very good legislation, the country will be best served.

In order to get to that point, however, we have to find a way to untie this whole process, first on ISTEA, especially on ISTEA, saying let's bring

the highway reauthorization bill to the floor and tie it up so nobody can move and then also on campaign finance reform. On campaign finance reform we all know the American people want us to at least vote on that issue. They don't want people to be involved in parliamentary maneuvering sufficient so you don't get an up-or-down vote on a bill that a good number of Members of this Senate have worked on for many, many, many months.

Mr. President, I will not do so now, but I say that if we have what is called a legislative tree filled with first- and second-degree amendments sufficient so that no one else in the Senate is able to move at all on anything, perhaps what we ought to do is take that bottom second-degree amendment, which I support and I expect the ranking member and the chairman would support, and let's vote on that. Let's have a vote on it. I will vote for it, we will pass it, and we will open a spot, and then let's do the business of either the highway reauthorization bill or any other amendment that one may wish to bring to the floor of the Senate, which might include on behalf of some the campaign finance reform proposal.

That is the only way, it seems to me, that we would be able to get the Senate to begin moving. It probably can only be considered sufficient to Members of a body that understand these rules to believe somehow you make progress when the lights are on and the heat is on. But there is no thoughtful discussion about an issue that allows you to make progress because we have the thing tied in knots. That is not something that would be sufficient to the rest of the American people.

Let me finish by saying again that we have a very important bill on the floor of the Senate right now. I want to be helpful in moving that piece of legislation, but it is not moving. It hasn't moved a centimeter. We have made no progress at all since the moment it was brought to the floor of the Senate, except for some statements. Why? Because some people are afraid that campaign finance reform will be brought to the floor as an amendment and be voted on and they don't want to have a vote on campaign finance reform, so they tie up the highway reauthorization.

Let's find a way to untie all of us. Let's have our votes up or down. However they come out, they come out. We don't waive those here. We just count them. Let's have them and decide where the votes are. In fact, prior to the highway reauthorization bill being brought to the floor and the cloture vote, it looks to me like there is probably sufficient numbers of Senators who would vote for McCain-Feingold to enact legislation of that type. It appears to me that there are over 50 votes in the Senate for that. But because we couldn't get past the cloture vote we couldn't get to it.

That is part of the purpose, I assume, with tying the Senate up with this pro-

cedural tree. But I guess it would be appropriate for a Member of the Senate to ask for the yeas and nays on the underlying second-degree amendment. I would certainly consider doing that later this afternoon, if that is what is available to us, and if that might get us off dead center and allow us to open up a slot either to do this bill, or for someone to come over and offer some other amendment of their choice.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Rhode Island.

#### MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that we now go to morning business until 6 o'clock.

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

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

#### ISTEA AND CAMPAIGN FINANCE REFORM

Mr. BAUCUS. Mr. President, I have a lot of sympathy with the remarks of the Senator from North Dakota. Being in a deadlock we are not accomplishing very much. The Senator is suggesting that we get off this deadlock; that we start to accomplish something. And he is suggesting that we vote on one of the amendments on this tree and suggesting under the parliamentary rules that we vote on the first one, which is the second-degree amendment. I am very sympathetic to that. I want to move, too.

I also would like to get campaign finance reform passed. Why? I can tell you, having just been through an election, that this country has dramatically changed the way campaigns are run and financed from just a few years ago. The present system is so bad. It is so obscene with virtually no limit on the total number of dollars raised or spent on behalf of, or for, or by candidates that it is demoralizing the country. It is causing the American people to think that the whole system stinks and becoming less and less involved in the democratic process and beginning to lose interest. And we run the risk of fragmenting a country—a country where Americans are going their own way; not a country that works together as a whole.

It is a huge problem. I can tell you, Mr. President. It is a huge problem. And if this Senate and this House does not do something about campaign finance reform very soon, this country, as we know it, is going to no longer be the greatest country on the face of this Earth just because we are going to be so awash in campaign money that the American people are just going to begin to lose interest in the U.S. Government—certainly in the Congress, and in the Presidential campaigns as well.

That is a vivid exaggeration. I grant you. They will have some interest. But they are not going to be nearly as proud of this Congress and their Federal Government as they would like to be.

At the same time, I think we have to pass this highway bill. Why do I say so? Because if the Senate does not pass the highway bill very soon—that is, within the next week or so—then the chances of it passing this year are virtually nil. If we do not pass a highway bill—we know the House wants a 6-month bill. The House's 6-month bill is something that is just totally unacceptable, in my view, because every year, or every couple of years, we would be reauthorizing the highway bill. And it makes no sense. We need to pass a 6-year highway bill. It is that simple.

I have a lot of sympathy for the Senator from North Dakota. He is right. We have to start moving. I hope that leadership on both sides of the aisle sits down and reaches an agreement today, and figure out a way to get off of this impasse so that we can do both—find a way to take up and work campaign finance reform, and also pass this highway bill.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. BAUCUS. Certainly.

Mr. DORGAN. My understanding is that the second-degree amendment that is pending is something that is acceptable, at least to the extent that I know it. I would vote for it. Would the Senator from Montana support it?

Mr. BAUCUS. I would. I think most Senators would support it.

Mr. DORGAN. It seems to me that the only reason the tree is full with a final second-degree amendment that would be acceptable to everyone is simply to prevent others from offering amendments. I understand the parliamentary strategy here. But the problem is that it puts the Senate in the position of having kind of a glacial progress. I have never tried to watch a glacier move. But I have been told it will pass a lot of days.

Mr. BAUCUS. If the Senator wishes, I will take the Senator up to Grinnell Glacier in Glacier Park where you can virtually watch the glacier move because the Earth is warming at such a rapid rate. It is moving in the wrong way. It is receding, is diminishing. In fact, in 20 years that glacier will totally evaporate.

Mr. DORGAN. Mr. President, the Senator from Montana has actually seen a glacier move, something I have not yet observed. Would the Senator from Montana agree that the glacier—however rapidly or slowly it is moving—is moving more rapidly than we are?

Mr. BAUCUS. I think the Senator makes a very good point. At least it is moving—the glacier.

Mr. DORGAN. Will the Senator from Montana agree that we are not moving; that we have a circumstance where a bill is brought to the floor, and we are