

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 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

virtually tied in knots with a procedural tree, which is not unusual? It has been used before, and used by Democrats as well. But it is rarely used. And it is used in most cases, I am told, to stop legislation.

Mr. BAUCUS. That is correct.

Mr. DORGAN. The point is the tree was developed with the longest hanging fruit a second-degree amendment. If that is acceptable to the Senate, my point was, let's come here and ask for the yeas and nays, and have a vote on it. And if the vote is yes, as I expect it would be, then the tree is open, and we can offer amendments.

My expectation would be that someone would come and say, "We are not going to allow you to offer amendments. We will fill the tree again." I say that is fine. Let's vote again. Let's keep voting, and maybe at some point we will start making forward progress. You can have your car engine idling, and you can say, "Well, the engine is running." Yes. But you are not going anywhere. That is kind of what is happening here. What I want to do is have the engine running with the lights on, with the heat going, and some discussion on the floor of the Senate. But we are not going anywhere. I want to go somewhere—both on campaign finance reform, and I want to make progress on the highway reauthorization bill. And we are going nowhere on both of those fronts.

Mr. BAUCUS. The Senator is absolutely correct. We are at dead center. We are not moving at all.

One way to perhaps get a little more momentum is the procedure outlined by the Senator. I hope that we could count on the same objective by the leadership sitting down and working out an agreement so that we don't have to go through this process. But we may have to.

Mr. DORGAN. I would observe, finally, that the chairman and ranking member are enormously patient. The bill is brought to the floor with a procedure that really doesn't allow any movement on the bill. I expect you will remain on the floor while the bill is being considered, and perhaps at some point when the bill is further considered that we will ask for the yeas and nays and see if by that manner we can make some additional progress.

Mr. BAUCUS. I thank the Senator. I very much hope, as I said many times, that the leadership works out an agreement so we can solve this thing and get moving.

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

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

#### INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

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

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

Pending:

Chafee-Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee-Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee-Warner amendment No. 1314 (to Amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to Amendment No. 1317), to strike the limitation on obligations for administrative expenses.

The Senate continued with the consideration of the bill.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator majority leader.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk on the pending highway legislation.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Senators Trent Lott, John H. Chafee, Paul Coverdell, Christopher Bond, Jesse Helms, Michael B. Enzi, John Ashcroft, Don Nickles, Craig Thomas, Mike DeWine, Richard S. Lugar, Pat Roberts, Ted Stevens, Wayne Allard, Dirk Kempthorne, and Larry Craig.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Thursday, October 23, at a time to be determined later. However, I do ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a second cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Senators Trent Lott, John Chafee, Paul Coverdell, Christopher Bond, Jesse Helms, Mike Enzi, John Ashcroft, Don Nickles, Craig Thomas, Mike DeWine, Richard Lugar, Pat Roberts, Ted Stevens, Wayne Allard, Dirk Kempthorne, and Larry Craig.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Thursday also, if necessary. It will be the intention of the majority leader to schedule the vote in the afternoon Thursday, if cloture is not invoked Thursday morning.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### MORNING BUSINESS

Mr. LOTT. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### ENCRYPTION

Mr. LOTT. Mr. President, I would like to report to my colleagues on the activities in the House to establish a new export policy on encryption. This is an issue that is still at the top of my list of legislation I hope this Congress can resolve within the next 2 months. The House's actions last month turned a spotlight on how this issue should ultimately be resolved.

Let me briefly review the issue. Encryption is a mathematical way to scramble and unscramble digital computer information during transmission and storage. The strength of encryption is a function of its size, as measured in computer bits. The more bits an encryption system has, the more difficult it is for someone else to illegally unscramble or hack into that information.

Today's computer encryption systems commonly used by businesses range from 40 bits in key length to 128 bits. A good hacker, let's say a criminal or a business competitor, can readily break into a computer system safeguarded by a lower-technology 40-bit encryption system. On the other hand, the 128-bit encryption systems are much more complex and pose a significant challenge to any would-be hacker.

Obviously, all of us would prefer to have the 128-bit systems. And equally as important, we would like to buy such systems from American companies. Firms we can routinely and safely do business with. Foreign companies and individuals also want to buy such systems from American companies.