

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. GLENN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—93

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Mikulski
Bennett	Gramm	Moseley-Braun
Biden	Grams	Moynihan
Bingaman	Grassley	Murkowski
Bond	Gregg	Murray
Breaux	Hagel	Nickles
Brownback	Harkin	Reed
Bryan	Hatch	Reid
Bumpers	Helms	Robb
Burns	Hollings	Roberts
Byrd	Hutchinson	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Collins	Jeffords	Sessions
Conrad	Johnson	Shelby
Coverdell	Kempthorne	Smith (NH)
Craig	Kennedy	Smith (OR)
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Landrieu	Thompson
Dorgan	Lautenberg	Thurmond
Enzi	Levin	Torricelli
Faircloth	Lieberman	Warner
Feingold	Lott	Wellstone

NAYS—1

Cleland

NOT VOTING—6

Boxer	Durbin	Leahy
Coats	Glenn	Wyden

The bill (S. 1668) was passed, as follows:

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the covered agen-

cies, and employees of contractors carrying out activities under classified contracts with covered agencies, that—

(A) except as provided in paragraph (4), the disclosure of information described in paragraph (2) to the individuals referred to in paragraph (3) is not prohibited by law, executive order, or regulation or otherwise contrary to public policy;

(B) the individuals referred to in paragraph (3) are presumed to have a need to know and to be authorized to receive such information; and

(C) the individuals referred to in paragraph (3) may receive information so disclosed only in their capacity as members of the committees concerned.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to provide direct and specific evidence of—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, a flagrant abuse of authority, or a substantial and specific danger to public health or safety.

(3) COVERED INDIVIDUALS.—The individuals to whom information described in paragraph (2) may be disclosed are the members of a committee of Congress having as its primary responsibility the oversight of a department, agency, or element of the Federal Government to which such information relates.

(4) SCOPE.—Paragraph (1)(A) does not apply to information otherwise described in paragraph (2) if the disclosure of the information is prohibited by Rule 6(e) of the Federal Rules of Criminal Procedure.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

(c) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect any reporting requirement relating to intelligence activities that arises under the National Security Act of 1947 (50 U.S.C. 401 et seq.) or any other provision of law.

(d) COVERED AGENCIES DEFINED.—In this section, the term "covered agencies" means the following:

(1) The Central Intelligence Agency.

(2) The Defense Intelligence Agency.

(3) The National Imagery and Mapping Agency.

(4) The National Security Agency.

(5) The Federal Bureau of Investigation.

(6) Any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is it in order for me to proceed for 2 minutes as in morning business?

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

CONGRATULATING DR. BILL FELDMAN, THE NASA TEAM AND LOS ALAMOS NATIONAL LABORATORY

Mr. DOMENICI. Madam President, last Friday, the front page of the Washington Post discussed solid new evidence for water at the poles of the Moon. That news may have great implications for future lunar colonies. With costs around \$10,000 per pound just to put material in orbit around the earth, this discovery could tremendously reduce costs for future manned lunar bases. Future lunar camps may be able to extract their water supplies, rather than hauling water with them. The whole NASA team deserves many compliments for their efforts leading up to this exciting news.

I want to commend to your attention the role that New Mexico's Los Alamos National Laboratory, in partnership with the Southwest Research Institute, played in this momentous announcement. Los Alamos designed the neutron spectrometer aboard the Lunar Prospector that enabled these exciting measurements.

The neutrons studied by the instrument come from natural cosmic rays that constantly bathe the moon. The neutrons are then slowed by interactions with hydrogen in water. The spectrometer detects the energy of neutrons leaving the lunar surface.

The complexity of designing instrumentation and actually obtaining the data for a mission like this is immense. For Lunar Prospector, the instrumentation not only had to survive launch, but also the four and a half day trip to the moon, and the insertion into lunar orbit.

Bill Feldman is the Los Alamos project leader for the Los Alamos instrumentation package. Feldman has experienced both the ecstasy of a successful mission and the agony of a failed one. He had instrumentation for mapping Martian water on the failed Mars Observer mission in 1993.

The neutron spectrometer used for this mission builds on a 35 year history at Los Alamos of designing instruments for non-proliferation programs. Feldman's work on neutron spectrometers in space traces back to the Army Background Experiment, that he helped conduct in 1990, that measured the energies of neutrons encountered in orbit.

For events like the Mars Observer or the Lunar Prospector, the team has to find ways to carefully check out their instruments. Sometimes those approaches are almost as daunting as the actual mission. For example, Feldman and his colleagues traveled to Antarctica where they took more than a ton of dirt and a detection package about 19 miles high on a balloon to see how cosmic rays would interact with the materials to provide practice for later real observations.

Secretary of Energy Peña sent a nice note to Dr. Feldman and his team that I will read:

Congratulations to you and your team of researchers that helped make possible this week's announcement that the Lunar Prospector has found evidence of water on the Moon. These exciting results show that research from the Department of Energy's national laboratories is truly "out of this world." Besides demonstrating the value of the Nation's investment in science and technology, discoveries like this excite and inspire young people to pursue science and engineering as careers.

Secretary Peña said it well. I add my congratulations in celebrating another momentous achievement from New Mexico and our national Laboratory in Los Alamos.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the mass transit programs of the Federal Government, and for other purposes)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1931 to amendment No. 1676.

Mr. D'AMATO. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. D'AMATO. Madam President, I rise today to offer an amendment which will reauthorize the mass transit program under ISTEA.

First of all, I thank my colleagues for the many months of negotiations and hard work necessary to produce this breakthrough agreement which has resulted in the amendment that we have offered.

What I intend to do is just briefly give an outline and, hopefully, with the concurrence of the majority leader and other Members, we will take this matter up for fuller discussion and consideration tomorrow morning. But let me first thank the ranking member on the Banking Committee for his support during this very difficult time. Senator SARBANES has been steadfast in his support and in his approach to working out a balanced transit package.

Let me also thank the chairman of the Budget Committee, Senator DOMENICI, for without him and his ability to see that the levels of increase can be accommodated in the budget, we would have no opportunity of going forward.

Then, of course, there is my friend and colleague, the senior Senator from New York, Senator MOYNIHAN, and his steadfastness in helping to achieve this balance.

In total, our amendment will authorize \$41.3 billion for mass transit over the next 3 years. That represents a 30-percent increase from the \$31.5 billion authorized in the 1991 ISTEA bill. Our amendment provides for funding levels that are \$12.6 billion over the administration's NEXTEA proposal.

The amendment will also provide \$5 billion more than the Banking Committee bill reported out by a 17-to-1 margin last September. We have been able to achieve this increase thanks to a bipartisan coalition of 24 Senators, including our present Presiding Officer. I thank the Senator from Texas for her graciousness and for her support, because I think it is a recognition of the growing needs of mass transit.

Madam President, I ask unanimous consent to have printed in the RECORD a letter to the majority and minority leaders which was signed by this bipartisan coalition requesting an increase in mass transit funding.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 24, 1998.

Hon. TRENT LOTT,
Russell Senate Office Building,
Washington, DC

Hon. TOM DASCHLE,
Hart Senate Office Building,
Washington, DC

DEAR SENATOR LOTT AND SENATOR DASCHLE: We write to express our support for mass transit funding adequate to meet the nation's growing public transportation needs. While we wish to honor the 1997 Balanced Budget Act, we are convinced that the nation's mass transit needs are not being addressed. As strong supporters of investment in mass transit, we want to underscore our view that any additional surface transportation spending agreed to in the Budget Resolution or subsequently in ISTEA must reflect the historic balance between transit and highways.

Mass transit provides an indispensable service to communities all across the country—in major metropolitan areas, small cities and suburbs, and rural regions. It fosters economic development, offers mobility for working Americans, reduces congestion and improves air quality. Moreover, mass transit supports the transportation needs of our nation's elderly, persons with disabilities, transit-dependent populations and the economically disadvantaged. Millions of Americans use mass transit every day. As demand for more and better transit service soars, we in Congress must help all regions of the country meet those needs.

We are committed to assuring that any efforts to increase federal investments in transportation apply equitably to both mass transit and highway programs. Transit must receive its fair share under any transportation funding proposal under consideration. Maintaining the program balance so carefully crafted in ISTEA will ensure that adequate resources are available to address the nation's surface transportation needs into the next century.

We look forward to working with you to advance a balanced transportation invest-

ment policy that meets our nation's transit and highway needs.

Sincerely,

Alfonse D'Amato, Ted Kennedy, Paul Wellstone, Jack Reed, Richard H. Bryan, Daniel Moynihan, Chuck Robb, Chris Dodd, Paul Sarbanes, Dick Durbin, Arlen Specter, Robert G. Torricelli, Rick Santorum, Harry Reid, Barbara Boxer, John F. Kerry, Frank R. Lautenberg, Barbara A. Mikulski, Joseph Lieberman, Carol Moseley-Braun, Robert F. Bennett, Ron Wyden, and Mary Landrieu.

Mr. D'AMATO. Madam President, these additional funds will benefit transit operators of all sizes in both urban and rural areas, and in order to meet the new demands for bus and rail systems across the Nation, half the increase—\$2.5 billion—will be spent only on new starts. The rural transit program will enjoy a \$354 million increase over the amount authorized in the 1991 ISTEA bill.

Over the last 15 years, transit funding has remained relatively flat while highway funding has soared. In 1982, the Federal Government spent \$4 billion on mass transit and \$9 billion on highways. In 1998, the Government will spend \$4.8 billion on transit while spending has grown to \$23 billion.

Meanwhile, the demands for transit funding have grown exponentially. Communities in high-growth cities are facing problems of traffic congestion and poor air quality while older transit cities, such as New York and Chicago, need additional funds to maintain and improve transit service. With this increase in mass transit funding, we can now address many of these needs.

More than 80 million Americans, almost one-third of the U.S. population, cannot drive or do not have access to a car. For these people, mass transit is usually the only means of transportation available. The Nation's 32 million senior citizens and 24 million people with disabilities require reliable, safe public transportation service to maintain their independence.

According to the Federal Transit Administration's annual report, U.S. businesses would lose \$15 billion a year because of highway traffic congestion if all U.S. transit commuters drove to work instead. More than half of all transit trips are work trips, and people who use transit come from every income level and demographic background.

Federal transit programs benefit communities of all sizes across the Nation. Today, rural transit carries riders more than a billion miles every year. Rural areas have a higher percentage of elderly and disabled populations who are increasingly dependent on mass transit for basic transportation needs.

Madam President, in closing, I thank the chairman of the Environment and Public Works Committee, Senator CHAFEE.

Mr. SARBANES has been a steadfast ally in these negotiations.

And, once again, without the cooperation of my Budget Committee