

version of this bill, and I strongly recommend the passage of H.R. 3767.

This legislation will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing residents of some of our most important allies to travel to the United States for up to 90 days without obtaining a visa, and in allowing American citizens to travel to those countries without visas. Countries must meet a number of requirements to participate in the program, including having extraordinarily low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

The pilot project expired on April 30, and I had sought passage of S. 2367, which is incorporated into the bill we consider today, before that expiration date. Indeed, I encouraged the discharge of this bill from the Judiciary Committee in April so that the Senate could act upon this highly time-sensitive matter. Unfortunately, this bill was instead held hostage to other issues. Fortunately, the Administration extended the program administratively until the end of May, but despite my best efforts we failed to meet that deadline as well. As a result, the program was extended until the end of June, but once again the Senate did not meet the deadline. The Administration then extended the program through July, sparing thousands of American tourists and international business travelers tremendous inconvenience and cost during the busy summer traveling season. Before the August recess, we once again failed to act on this legislation, forcing the Administration to extend it again. It is now well past time to end this charade, pass this bill, and send it back to the House for its final approval.

Rather than simply pass another extension of the pilot program, it is time to make this program permanent—it has stood the test of time for well over a decade. In order to address any security concerns about making the program permanent, the requirements placed upon participating countries have been tightened. Indeed, countries wishing to participate in the visa waiver program must meet each of the following four criteria: the participating country must allow U.S. citizens to travel without a visa; the country must have a nonimmigrant refusal rate for B-1/B-2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year; the country must already possess or be in the process of developing a machine-readable passport program; and, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

The visa waiver program provides substantial benefits to both the American tourism industry and to Americans traveling abroad. I urge the Senate to make it permanent.

Although I am a strong supporter of the bill, I must speak out against the amendment that has been inserted into the bill by Senator HELMS. This amendment states that under a certain paragraph of this bill, no court will have jurisdiction to review any visa refusal based on race, sex, or disability. It is my understanding that this provision has no practical effect, since affected foreign nationals would not be able to bring such a claim in an American court in the first place. Because it is effectively a dead letter, and because of the importance of the visa waiver program and other amendments to this bill, I have chosen not to assert rights and deny unanimous consent. But this provision is offensive to our legal traditions. I have consistently opposed attempts to strip courts of authority to resolve immigration matters, and I am particularly opposed to such attempts where the stripping is directed specifically toward claims asserting discrimination. Judicial review is a critical part of American law, and we should not be impinging upon it—symbolically or otherwise.

Finally, passage of this bill should not be misinterpreted as a signal that this Congress has dealt fairly or adequately with immigration issues. There is still so much to do in the little time we have left, from passing the Latino and Immigrant Fairness Act—to dealing with the aftereffects of the immigration legislation this Congress passed in 1996. In particular, I would call again for hearings on S. 1940, the Refugee Protection Act. This is a bill I introduced with Senator BROWNBACK and a number of other Senators that would undo the damage that has been done to our asylum process by the implementation of expedited removal. I believe it, like so many immigration issues that have been ignored for the last 21 months, deserves the attention of this Congress.

The amendment (No. 4276) was agreed to.

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

The bill (H.R. 3767) was ordered to a third reading and was read the third time.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on H.R. 4733 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

4733) making appropriations for energy and water development for the fiscal year 2001, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of September 27, 2000.)

Mr. DOMENICI. Mr. President, I ask that the Senate now turn to consideration of the conference report accompanying the fiscal year 2001 Energy and Water Development Act. Earlier today, the House passed the conference report by a vote of 301 to 118, and I hope the Senate will also overwhelmingly support the conference report. I am very pleased that we are able to get this very important conference report to the floor, given the difficulties affecting more appropriations bills this time of year. Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairman were very supportive and have provided the additional resources at conference that were necessary to address many priority issues for Members. They have allowed the House to come up \$630 million to the Senate number on the defense allocation \$13.484 billion, and the Senate non-defense allocation has increased by \$1.1 billion.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides \$4.5 for Army Corps of Engineers water projects, an increase of \$400 million over the Senate and \$383 over the President's Request.

The increased resources have allowed us to get started on the very highest priority new starts in 2001—something we were not able to do under our original allocation.

The conference report provides \$3.20 billion for DOE Science, an increase of \$330 million over the Senate and \$420 million over last year. We heard from many members over the last few months about providing more money for science and I am pleased we were able to heed their concerns and make significant investments in our future.

On the defense side, the conference report provides \$5 billion for nuclear weapons activities, an increase of \$150 million over Senate and \$600 million over last year.

On clean-up, we have been able to continue to provide the environmental clean-up money that is so important to many of our members across the country. The conference report provides \$6.1 billion, and increase of \$390 million over last year.

We do have a few controversial provisions in this bill. The conference report

includes a provision that we have carried for several years that would prohibit the use of funds to revise the Missouri River Master Manual if such would result in increased springtime flood risk on the lower Missouri River. I know the administration has threatened a veto on this issue, and I take that seriously. But, we have been unable to forge an acceptable compromise and have insisted that the provision remain in the conference report just as it passed the Senate floor. Although there are other issues the administration has raised, we have made a good faith effort to address their concerns where possible. I believe we have a good bill that the President will sign.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

Mr. CRAIG. Mr. President, would the distinguished chairman of the Senate Energy and Water Development Appropriations Subcommittee indulge me in a colloquy for clarification purposes on use of Laboratory Directed Research and Development by Department of Energy national laboratories?

Mr. DOMENICI. I am happy to oblige my friend from Idaho, a valuable member of the Energy and Water appropriations subcommittee.

Mr. CRAIG. When DOE's Environmental Management budget request for FY 2001 was submitted to Congress earlier this year it continued a restriction on the use of DOE environmental management funds for LDRD purposes carried over from FY 2000. The EM restriction of LDRD was subsequently rescinded by OMB later in the year at strong urging by numerous Senators including myself. Subsequently, the Senate Defense Authorization and the Senate Energy and Water Development Appropriations bills directed that DOE return LDRD to full scope, to include use of EM funds. The Senate Defense Authorization bill permits use of LDRD up to 6%; and this conference report also permits use of LDRD funds at 6%. Is this the Chairman's understanding?

Mr. DOMENICI. The gentleman from Idaho is correct.

Mr. CRAIG. As the distinguished chairman of the subcommittee knows from the Department's testimony including Secretary Richardson and Dr. Carolyn Huntoon, EM Assistant Secretary, the Administration, with significant encouragement from the Congress, is now on record in support of restoring EM programs as a funding source for LDRD in 2001.

Mr. DOMENICI. That is correct. That has been a factor in the Conference Committee's considerations.

Mr. CRAIG. Would it be fair then to assume that all 2001 laboratory planning budgets prepared while the EM restriction was in place would be impacted by removal of the LDRD restriction?

Mr. DOMENICI. That would be an accurate assumption.

Mr. CRAIG. Is it the Chairman's view that permission to derive LDRD funds

from EM sources should be granted to all National laboratories under the new authority established in this bill?

Mr. DOMENICI. Yes, that is my view and the view of the Committee.

Mr. CRAIG. Does the Chairman see any circumstances to justify granting this authority to some of the laboratories but not to others?

Mr. DOMENICI. I see no conditions under which I or the Committee would support any effort by the Administration to withhold this authority from any laboratory, including the EM lead laboratory in Idaho.

Mr. CRAIG. I thank the gentleman from New Mexico.

YELLOWSTONE ENERGY AND TRANSPORTATION STUDY

Mr. CRAPO. I would like to engage the distinguished Senator from New Mexico, Mr. Domenici, in a colloquy regarding the Greater Yellowstone-Teton energy and transportation systems study and the International Centers for Environmental Safety, ICES.

Mr. DOMENICI. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the energy and water appropriations subcommittee knows, the pending conference report does not provide funds for the Yellowstone energy and transportation study. It is my understanding the Department of Energy supports this study and the Department may provide funds to support the Idaho National Engineering and Environmental Laboratory's participation in this effort. If DOE makes a decision to provide funds for this study, would the chairman support that decision?

Mr. DOMENICI. I would agree that funding for this important study would be appropriate.

Mr. CRAPO. As the senior Senator from New Mexico knows, the ICES program was formed last year through a joint statement signed by Secretary Richardson and the Minister for Atomic Energy of the Russian Federation, Yevgeny Adamov. The centers were created to provide a mechanism for technical exchange and effective collaboration between the DOE and Minatom on matters of environmental safety in both countries. The U.S. Center is managed by the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory. In Russia, the Ministry for Atomic Energy operates the Center in Moscow. Both work collaboratively to ensure overall ICES success in reducing environmental threats and costs.

Mr. DOMENICI. That is my understanding.

Mr. CRAPO. Report language in the FY2001 Senate Energy and Water Development bill supports DOE's efforts to use the experience and expertise of scientists of the former Soviet Union to address waste management and environmental remediation challenges within the DOE complex. Isn't it also true that the centers are intended to facilitate international collaboration to address environmental and nuclear

safety issues important to the national security?

Mr. DOMENICI. The Senator from Idaho is correct in his understanding. I would add that committee saw fit to support the International Nuclear Safety Program at the President's requested level of funding. This includes funding for the Russian and U.S. centers.

Mr. CRAPO. I thank the Senator from New Mexico.

HOPi-WESTERN NAVAJO WATER DEVELOPMENT STUDY

Mr. KYL. Mr. President, the conference report to H.R. 4733 provides \$1 million for the Bureau of Reclamation to initiate a comprehensive Hopi-Western Navajo water development study. This funding was added to the bill at my request, and I would like to take this opportunity to detail the reason why I consider this to be a very important undertaking.

Efforts have been ongoing for several years to settle the various water rights claims of the Navajo and Hopi Indian tribes and other water users in the Little Colorado River watershed of Northern Arizona. Numerous proposals have been advanced in an effort to settle these water-rights claims, including identifying alternative sources of water, means of delivery and points of usage to help provide a reliable source of good-quality water to satisfy the present and future demands of Indian communities on these reservations. Cost estimates for the various existing proposals run into the hundreds of millions of dollars, the majority of which would likely be borne by the Federal Government. This study is needed to identify the most cost-effective projects that will serve to meet these objectives.

I have asked the Bureau to hire an outside contractor to complete this study to ensure that a fresh and objective analysis of existing studies and data is conducted. In addition, using a private contractor will enable the Bureau to complete the study in a timely manner without requiring the Bureau to divert personnel needed to accomplish other vital priorities. The study should be complete and submitted to the Senate Appropriations Committee as soon as possible but no later than April 1, 2002.

I also want to assure the parties that this study is intended to be used to facilitate this settlement, and cannot be used for any other purpose in any administrative or judicial proceeding.

NIF STUDIES

Mr. HARKIN. Mr. President, I ask the distinguished chairman and ranking member to engage in a brief colloquy on the National Ignition Facility. The bill as it passed the Senate requested a study by the National Academy of Sciences of a number of issues regarding the National Ignition Facility. The current bill and conference report language require reviews of several issues, including the need for the

facility, alternatives to NIF, consideration of starting with a smaller facility, and planning for the Broader stockpile stewardship program. All these elements are important, but the bill does not specify how these reviews are to be conducted.

Previous supposedly independent DOE reviews of NIF have been strongly criticized in the recent GAO report and in a recent article in the journal *Nature*, and have even been subject to lawsuits for violating the Federal Advisory Committee Act. I believe it is critical for the credibility of these reviews that they be conducted by an independent body, such as the National Academy of Sciences, and that they be organized as independent studies under FACA rules. This is a troubled program, and we need the very best thought of independent experts to help us get it back on track or to scale it back as needed.

Mr. REID. Mr. President, I agree with my colleague and want to emphasize how important it is to Congress that these be outside, independent reviews. DOE has unfortunately lost credibility on this issue and needs to bring in outside experts to regain it. I have already conveyed my expectations on this point to Madelyn Creedon and am happy to join my colleagues in clarifying this today.

Mr. DOMENICI. Mr. President, our country has very important needs that many hope NIF can solve. The credibility of outside experts will be crucial as we consider the future of this program.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. DOMENICI. I now ask unanimous consent the vote occur on the adoption of the conference report at 5:30 p.m. on Monday.

Mr. REID. Reserving the right to object, I say to my friend from New Mexico, I am disappointed that we are not voting on this tonight. I think it would be an opportunity to get a bill to the President's desk and speed up things around here. I think it is a shame we are waiting until 5:30 Monday night. It is going to consume too much time in the process.

I hope whoever has caused this, whoever that might be who is responsible, recognizes that they are responsible for slowing up what goes on around here. We have to move these appropriations bills. Senator DOMENICI and I and especially our staffs have worked night and day all this past week, and I literally mean night and day. We were looking forward to completing this bill tonight.

Having said that, I have no objection. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield the floor. 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. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### U.S.-CUBA RELATIONS

Mr. ROBERTS. Mr. President, I would like to bring to the attention of the Senate a relatively new organization designed to enhance U.S.-Cuba relations. The Alliance for Responsible Cuba Policy was created in early 1998 to foster better political, economic and cultural relationships between our country and Cuba. Its board is comprised of distinguished Americans, including some of our former colleagues in the Congress.

Clearly the time has come to bring "responsibility" to the debate regarding U.S.-Cuba relations.

The Alliance has briefed me and my staff regarding their first-hand experience in Cuba. I encourage them to continue their fact finding and information gathering missions to Cuba.

I ask unanimous consent to have printed in the RECORD an Activities Report of the Alliance.

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

ALLIANCE FOR RESPONSIBLE CUBA POLICY ACTIVITIES REPORT—FACT-FINDING MISSION; REPUBLIC OF CUBA, JULY 10-12, 2000

This report summarizes the activities of a fact-finding mission to the Republic of Cuba conducted on July 10-12, 2000. The fact-finding mission was organized by the Alliance for Responsible Cuba Policy (the "Alliance"), a non-partisan, non-profit organization incorporated in the District of Columbia. The delegation included former Congressman Beryl Anthony, partner, Winston & Strawn; Mr. Albert A. Fox, Jr., President of the Alliance, Mr. Paul D. Fox, Vice-President Atlantic Region, Tysons Food, Inc. and Managing Director, Tyson de Mexico; Ms. Nanette Kelly, President and Mr. John Spain, Managing Director, The Powell Group of Baton Rouge, Louisiana; Mr. Edward Rabel, former news correspondent with CBS and NBC, and currently Senior Vice President of Weber McGinn; and Gregory J. Spak, partner, White & Case LLP.

This fact-finding mission was the second such trip organized by the Alliance. The first mission occurred on September 26-29, 1999. An Activities Report related to that mission is available from the Alliance's web site at [www.responsiblecubapolicy.com](http://www.responsiblecubapolicy.com).

During the July 10-12, 2000 mission, the delegation met with the following persons and entities in Cuba:

- Ministry of Foreign Trade
- Ministry of Science, Technology, and Environment
- Ministry of Agriculture
- Ministry of Foreign Investment and Economic Cooperation
- Mr. Ricardo Alarcon de Quesada, President of the National Assembly
- Ministry of Justice

The following summarizes the discussion at each of these meetings.

#### MINISTRY OF FOREIGN TRADE

The delegation met with Maria de la Luz B'Hamel, Director of the North American Division of the Foreign Trade Ministry, and with Mr. Igor Montero Brito, Vice President of ALIMPORT. Ms. B'Hamel's division is responsible for international trade issues relating to the United States and Canada, and the Foreign Trade Ministry in general has jurisdiction over all foreign trade issues, including issues arising in the World Trade Organization and other international and regional trade agreements. Ms. B'Hamel noted that Cuba is a founding member of the General Agreement on Tariffs and Trade ("GATT") and the World Trade Organization ("WTO").

The Foreign Trade Ministry has a practical role in foreign trade through its authority to grant licenses to Cuban enterprises engaging in international trade. Ms. B'Hamel described two important trends that have emerged since the dissolution of the Soviet Union and the resulting rupture of Cuba's traditional trading relationships:

(1) Diversification of Cuba's foreign trade. Currently, Cuba's two largest trading partners are Spain and Canada, and no more than 10-12 percent of Cuba's trade is with any one country. As part of this diversification process, Cuba has been negotiating trade agreements with its regional trading partners in order to promote Cuba as a strategic bridge to the Caribbean region.

(2) Decentralization of foreign trade issues. Ms. B'Hamel stated the Foreign Trade Ministry is deemphasizing its direct involvement in international trade transactions, and is assuming more of a trade regulation role. Companies engaged in foreign trade today in Cuba include state enterprises, private enterprises, and international joint ventures or branch offices of foreign companies. More than 250 private and state enterprises are actively engaged in foreign trade, and there are approximately 600 Cuban branch offices of foreign companies engaged in trade in Cuba.

Ms. B'Hamel explained that, since 1994, Cuba has experienced steady improvement in foreign trade and GDP growth. Her Ministry forecasts continued GDP growth, even assuming no relaxation of U.S.-imposed trade restrictions. She stated that the U.S. trade restrictions (which she called the "blockade") have affected Cuba, but that other trends in business and world trade were creating new opportunities for the Cuban economy.

One particularly dynamic sector of the Cuban economy is tourism, which is growing by 16-20 percent per year. These statistics do not include U.S. tourists, which Ms. B'Hamel estimates to have numbered approximately 180,000 last year. She noted that this increase in tourism will have a ripple effect on the Cuban economy and will increase the demand for food goods, and other services.

Mr. Igor Montero explained that ALIMPORT is the principal Cuban state enterprise dedicated to importing foodstuffs into Cuba and distributing imports to the public. ALIMPORT is dedicated almost exclusively to the primary foodstuffs which are considered to be staples of the Cuban diet (e.g., rice, beans, etc.). Cuba currently imports approximately \$1 billion in foodstuffs annually, \$650 million of which is imported through ALIMPORT. Principal food imports are wheat, soybeans, and rice.

Cuba currently is importing approximately 400,000 metric tons of rice per year, principally from China, Thailand, and Vietnam. Delivery time for rice imported from these countries is approximately 60 days, and the quality is considered only fair. Mr. Montero acknowledged that transportation costs to