

HELMS AMENDMENTS NOS. 2922–2927

(Ordered to lie on the table.)

Mr. HELMS submitted six amendments intended to be proposed by him to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra; as follows:

AMENDMENT No. 2922

After section 302(a)(5)(B), add the following new paragraph:

(C) Notwithstanding the provision of (a) hereof, a United States national other than U.S. nationals on whose behalf the United States has already provided and is deemed hereby to have already provided adequate notice through the Foreign Claims Settlement Commission process or otherwise of the ownership by a U.S. national of property that may become subject to a cause of action hereunder, shall be required to provide following the effectiveness hereof, notice pursuant to the rules for litigants in the United States district court in which such action ultimately is brought two years prior to initiating that action, hereunder, notice on the intended defendant of its ownership claim and a demand that the unlawful trafficking therein cease forthwith. Such damages claimed in any suite filed against the aforesaid intended defendant may only be for trafficking occurring following said period of adequate notice.

AMENDMENT No. 2923

At the end of the substitute, insert the following new title:

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS.

(a) **GROUNDS FOR EXCLUSION.**—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who has confiscated, or has directed or overseen the confiscation of, property the claim to which is owned by a national of the United States, or converts or has converted for personal gain confiscated property the claim to which is owned by a national of the United States.

(b) This subsection shall be construed and applied consistent with the North American Free Trade Agreement, the General Agreement on Tariffs and Trade, and other applicable international agreements.

(c) **EXCEPTIONS.**—This subparagraph shall not apply—

(1) to claims arising from territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved; or

(2) where the Secretary of State deems that making such a determination would be contrary to the national interest of the United States.

(d) **REPORT REQUIREMENT.**—(1) The U.S. Embassy in each country shall provide the Secretary of State with a list of foreign nationals in that country who have confiscated properties of American citizens and have not fully resolved the cases with the American citizens.

(2) The Secretary of State shall submit this list to the appropriate congressional committees no later than six months after the date of the enactment of this Act.

(3) The Secretary of State, shall submit to the appropriate congressional committees a list of foreign nationals denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of foreign nationals refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than one year after the date of the enactment of this Act; and not later than February 1 of each year thereafter.

AMENDMENT No. 2924

On page 18 of the pending amendment beginning with line 34 strike all through line 27 on page 20 and insert in lieu thereof the following:

(b) **IN GENERAL.**—It is the sense of the Congress that—

(1) no sugar or sugar product should enter the United States unless the exporter of the sugar or sugar product to the United States has certified, to the satisfaction of the Secretary of the Treasury, that the sugar or sugar product is not a product of Cuba;

(2) the Secretary of the Treasury should establish and enforce a certification requirement sufficient to satisfy the Secretary that the exporter has taken steps to ensure that it is not exporting to the United States, sugar or sugar products that are a product of Cuba;

(3) the Customs Service should fully exercise the authorities it has under sections 581 through 641 of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641) against those found in violation thereof,

(4) the Secretary of the Treasury should report to the Congress on any unlawful acts and penalties imposed for violations of the prohibition of subsection (d); and

(5) the Secretary of the Treasury should publish in the Federal Register a list containing, to the extent such information is available, the name of any person or entity located outside the customs territory of the United States whose acts result in a violation of the prohibition on exporting any sugar of Cuban origin into the Customs territory of the United States.

(c) **DEFINITIONS.**—For purposes of this section:

(1) **ENTER, ENTRY.**—The terms “enter” and “entry”—mean entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(2) **PRODUCT OF CUBA.**—The term “product of Cuba” means a product that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part from any article which is the growth, produce, or manufacture of Cuba.

(3) **SUGAR, SUGAR PRODUCT.**—The terms “sugar” and “sugar product” means sugars, syrups, molasses, or products with sugar content described in additional U.S. note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States.

AMENDMENT No. 2925

On page 18 of the pending amendment beginning with line 2 strike all through line 27 on page 20.

AMENDMENT No. 2926

After section 303 (c)(2) insert the following new paragraph.

(3) Nothing in this Act shall be deemed to establish either a precedent for a cause of action pursuant to this Act as it relates to other circumstances. Nor will anything in this Act give rise to a right or cause of action for any other confiscated property in Cuba or anywhere else in the world.

AMENDMENT No. 2927

On page 36 of the pending amendment on lines 42 and 43 strike the words “exclusive of

costs” and insert in lieu thereof “exclusive of interest and costs.”

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Friday, October 13, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 10 a.m. The purpose of this hearing is to examine the role of the Council on Environmental Quality in the decisionmaking and management processes of agencies under the committee's jurisdiction—Department of the Interior, Department of Energy, and the U.S. Forest Service.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Friday, October 13, 1995, at 10 a.m., in Senate Hart room 216, on the Ruby Ridge incident.

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

ADDITIONAL STATEMENTS

THE FOURTH PREFERENCE FAMILY IMMIGRATION CATEGORY

● Mr. SIMON. Mr. President, immigration has been in the news a great deal over the past few months. The debate usually fails completely to account for the vast difference between legal and illegal immigration. Amidst calls for increased enforcement of our laws against illegal immigration to the United States—enforcement which I strongly support—we see proposals aimed at cutting back admissions of legal immigrants: those immigrants who play by the rules and enter our Nation the correct way.

In general, I oppose the idea of further restricting legal immigration to the United States, and particularly oppose drastic cuts in family-based immigration. Those foreigners who demonstrate the initiative to move to the United States are among the most industrious and motivated members of their own nations. Like the immigrants who arrived in America before them, they come to this country to join their families and to carve out opportunities for themselves. In doing so, they enrich our country economically, culturally, and socially. Those who support cuts in legal immigration often do so without identifying any concrete