

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 appro-

priate 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

reason for these cuts, repeating only that the "national interest" justifies restricting both legal and illegal immigration. I cannot see how preventing worthy immigrants from reuniting with their families is in our national interest.

Today, I would like to focus on one particular category of legal immigrants who face the threat of a locked door to the United States: the brothers and sisters of U.S. citizens, who are currently eligible for immigrant visas under the fourth family preference category in our immigration laws. Currently, 65,000 immigrants enter the United States annually under this category, and hundreds of thousands of others face a backlog. Both Barbara Jordan's Commission on Immigration Reform and various Members of Congress have proposed eliminating this family preference category outright. I have great concerns about these proposals on two levels.

First, proponents of elimination of the fourth family preference justify their proposals by emphasizing that our family-based immigration system should focus on the nuclear family, and that the sibling relationships protected by the fourth preference category are too attenuated to qualify as a priority in our immigration policy. I think that if we were to survey the American public, we would find that people of every ethnic and racial background value sibling relationships so much that they would—and do—fully support an immigration system that reunifies siblings as well as nuclear family members. While the public is undoubtedly and justifiably concerned about illegal immigration, I have seen no evidence that it devalues legal immigration generally, or sibling relationships in particular, in the manner suggested by those who propose eliminating the fourth family preference. In fact, quite the contrary.

Second, I am especially concerned about the effect of elimination of the fourth preference on those individuals who are currently in the backlog. These prospective immigrants and their sponsors—who are citizens of the United States—have expended substantial resources and funds in attaining eligibility for an immigrant visa. They have played by the rules, and waited patiently for their numbers to come up. As much as these individuals want to reunite with their siblings, they have decided against taking the rash but convenient step of entering or staying in the United States illegally. It would be fundamentally unfair for the United States to take the money and run without fulfilling its commitment to these individuals.

I submit for the RECORD a New York Times article from September 24, 1995, which tells the story of Sonya Canton, a naturalized American citizen. She has two sisters, one of whom has illegally overstayed her visa to the United States, is living here today legally under the 1986 amnesty, and will soon

become eligible for citizenship; and the other of whom waits patiently in the fourth preference backlog, having paid both her fees and her dues. Mrs. Canton states: "It is some kind of injustice when those who played by the rules can't get in, but those who broke the rules are now going to become citizens." I could not say it any better. At the very least, proposals to reform the fourth preference should, as a matter of fairness, provide for those in the current backlog.

I bring to this issue a personal perspective. The director of my Chicago office, Nancy Chen, has sponsored two of her brothers into the United States under the fourth preference. Both of them live near her in Illinois, and both are productive members of society with good jobs. The closeness and industry demonstrated by this family is the very behavior we should applaud and encourage. I fear that by eliminating the fourth preference category we do just the opposite, and call on my colleagues in Congress and on the administration to find a more suitable solution in this area—one that, at the very least, treats those backlogged visa applicants with the fairness they deserve.

The article follows:

[From the New York Times, September 24, 1995]

NARROWING THE U.S. IMMIGRATION GATE

(By Seth Mydans)

Seventeen years ago, Sonya Canton, an American citizen born in the Philippines, petitioned for her sister, a banker, to join her here under the family-reunification policy that has been the basic principle of United States immigration law for 30 years.

While she was waiting, a second sister, who sold exotic seashells for a living, visited the United States as a tourist, liked the place and decided to stay on illegally with her three children.

To this sister's surprise and good fortune, in 1986 Congress offered amnesty to illegal immigrants, and she and her children became legal residents, eligible for citizenship. Today she works as a saleswoman in a department store, and her children have all graduated from high school with honors.

Meanwhile, as a banker sister continues to wait, the mood of the country, and of Congress, has changed. Struggling to stem a flood of legal and illegal immigrants, Congress is preparing to cut deeply into family-reunification quotas this fall and drop people like her from eligibility.

If the changes are enacted, the United States would shut the door on about 2.4 million people—the brothers, sisters and adult children of citizens and legal residents—who have waited for years or decades to enter the country as legal immigrants. That number nearly matches the three million illegal immigrants granted amnesty in 1986.

"It is some kind of injustice when those who played by the rules can't get in, but those who broke the rules are now going to become citizens," said Ms. Canton, an import specialist for the United States Customs Service.

But even immigration advocates concede that the current law has become unwieldy, with a total of 3.5 million people waiting—some in lines that stretch for 40 years or more—to join relatives in the United States.

In some countries, like the Philippines, the projected wait for American visas is so long that the categories for siblings and adult

children effectively no longer exist. Nonetheless, the applications keep coming in, and the lines grow longer. The solution most favored by Congress is to focus on the nuclear family and to eliminate from eligibility those with less immediate ties.

"I don't think there is any risk that family unity will be eliminated as a basis for immigration to the United States," said Arthur C. Helton, an immigration expert with the Open Society Institute, a lobbying group in New York that studies international issues. "But what that means in a number of specific contexts will be redefined, and a focus on the immediate nuclear family will emerge."

That approach became evident when a Presidential commission led by Barbara Jordan, a Democrat and former Representative from Texas, recently began drafting proposed changes in the immigration law. In an interim report issued in June, the commission recommended, among other things, allowing citizens and legal residents to bring in only spouses and minor, unmarried children—not their siblings or adult children.

Congress is now considering a number of immigration bills. The most far-reaching was submitted in June by Representative Lamar Smith, the Texas Republican who heads the House subcommittee on immigration. His bill is in the hands of the House Judiciary Committee. In the Senate, Alan K. Simpson, Republican of Wyoming, is preparing to introduce a similar bill.

The Smith and Simpson measures largely attack illegal immigration; they propose stronger border controls, workplace enforcement and deportation procedures. In addressing legal immigration, the bills drastically cut family-reunification admissions by making the siblings and grown children of legal residents and citizens no longer eligible for immigration. The Smith bill would reduce the number of legal immigrants to 535,000 a year, compared with about 800,000 last year.

The changes would reduce the waiting lists and speed the entry of the spouses and minor children of legal residents. Currently, the spouses and minor children of United States citizens can enter immediately, without a numerical quota. But about 1.1 million spouses and minor children of legal residents are caught in the backlog, along with siblings and children over 21.

Apart from family reunification, the primary avenue for immigration into the United States is employment.

The 1986 amnesty is partly responsible for the flood of applicants that has created pressure for the changes. About 80 percent of the spouses and minor children on the immigration waiting lists are relatives of those who won legal residence under that law, Government figures show.

The total family-preference waiting list of 3.5 million is twice as long as when the amnesty law took effect. Under current quotas, only 253,721 of those waiting will receive visas this year, even as the list of applicants grows longer.

The backlog includes one million applicants from Mexico and about 500,000 from the Philippines. Before the 1986 amnesty, the Philippines was the largest source of legal immigrants into the United States. Those countries are followed by India, China, Vietnam, the Dominican Republic, Taiwan, South Korea, El Salvador and Haiti.

Short of raising the ceiling for immigration, there seems to be little way to accommodate the lengthening waiting list of siblings and adult children.

"Clearly the public mood and the practical realities of today's America require that we cut down on immigration," said Dan Stein, executive director of the Federation for American Immigration Reform, an independent lobbying group.

Calling the Jordan, Smith and Simpson proposals "an effort to strike a balance," he said, "We have to make these decisions based on what is in our national interest." He added, "We have no duty or obligation to people who have been waiting in line because the system is impractical in the first place."

But opponents say the cuts are politically motivated and unnecessary. "Since when did the United States become too small for the parents and children and brothers and sisters of United States citizens?" asked Frank Sharry, executive director of the National Immigration Forum, a pro-immigration lobbying group. "The idea of bringing in energetic newcomers who are helped by family members to get a leg up in this society is something that has worked for 300 years."

He added, "For a Congress that prides itself in being pro-family, it seem hypocritical to cut family immigration by 30 percent."

One potential victim of the expected changes is Leticia Chong, a Filipino nurse who has played by the rules and prospered. She entered the country legally in 1981, became a legal resident, obtained both business and nursing degrees here and brought up five Philippines-born children to become American doctors, nurses and engineers. Today they are all either citizens or legal residents.

Her problem is her sixth and last child, an engineering student who will turn 21 this month, having waited in vain for his name to come up in the backlog of petitions for minor children of legal residents. He now enters the category of adult children, and—like Ms. Canton's banker sister—he would simply be dropped from eligibility under the proposed changes.

"He has been here since he was 11 years old," Mrs. Chong said. "He has friends here. His family is here. This is his home. What will he do if he has to go back to the Philippines?"

HONORING THE MONTSHIRE MUSEUM OF SCIENCE 1995 WINNER OF THE NATIONAL MUSEUM SERVICES AWARD

● Mr. JEFFORDS. Mr. President, on Friday, October 6, 1995, the Institute of Museum Services announced the winners of the 1995 National Awards for Museum Services. The awards were presented to five museums that demonstrated success in attracting new audiences, developing innovative programming which address educational, social, economic, and environmental issues, and entering into collaborations with other public institutions in the community. Winners received the awards at a special White House ceremony. I am so proud that one of the museums chosen to be honored this year comes from the State of Vermont. The Montshire Museum of Science in Norwich, VT is a recipient of the 1995 National Museum Service Award. Serving both Vermont and New Hampshire, the Montshire Museum is a model of creativity, usefulness, and public service.

The Montshire Museum is an outstanding science museum that has enriched the cultural and educational life of the Norwich community and surrounding environs. It has set itself apart through a commitment to special activities and exhibitions, bringing unique vitality and purpose to innovative programming. For years, the

Montshire Museum has been making learning science fun and accessible for people of all ages. For example, the Montshire has developed educational exhibitions that inform visitors about recycling and "precycling," or making smart purchasing decisions as part of its work in partnership with the Hartford Community Center for Recycling and Waste Management. As a result of the Montshire Museum's commitment, thousands who have come to the center to dispose of waste have had an opportunity to learn more about recycling and making smarter, more environmentally friendly purchasing decisions. In addition, the Montshire has been a leader in creating a new community computer network housed in the museum—a great asset to all served by the museum. Clearly, this small science museum has taken a leadership role in making a difference to its community.

Since it was established 20 years ago, the Montshire Museum has made an enormous impact on presenting unique educational opportunities for the people of Vermont and New Hampshire. It is truly an example of excellence in partnership and learning. My sincere congratulations to David Goudy, director of the Montshire Museum and to Bruce Pipes, chairman of the board—as well as to the all of the other committed individuals working at the Montshire Museum—for this exceptional honor. I am certain that it will continue to make a positive difference in our State that will last far into the future. ●

TRIBUTE TO MAJ. GEN. JAMES M. HURLEY, USAF, ON HIS RETIREMENT

● Mr. NUNN. Mr. President, I would like the Senate to recognize Maj. Gen. James M. Hurley on the occasion of his retirement from active duty with the U.S. Air Force. General Hurley will retire from his position as the Director of Plans and Programs at Headquarters Air Combat Command at Langley AFB, VA. Throughout his tenure in this position, General Hurley has been responsible for the development of concepts, policies, and doctrine for the employment of Combat Air Forces. In addition, he has overseen the force structure requirements and budgeting for all Combat Air Forces programs and aircraft assignments as well as the interactions between Combat Air Forces and the FAA.

During his college years at Texas A&M University, General Hurley participated in the Reserve Officer Training Corps program. After his graduation from college in May 1965, he began his career in the Air Force. He earned a command pilot rating and has logged more than 3,300 flight hours, primarily in fighter aircraft such as the F-4 and F-16. He flew 143 combat missions over North Vietnam and Laos. From January 1978 to November 1981, General Hurley commanded a squadron in the

347th Tactical Fighter Wing at Moody AFB, GA. His next assignment was at Headquarters U.S. Air Force in Washington, DC, where he served as the Chief of Flying Training for the Deputy Chief of Staff for Manpower and Personnel. From July 1987 through June 1988, General Hurley served as the vice commander and wing commander of the 474th Tactical Fighter Wing based at Nellis AFB, NV.

In 1987, General Hurley returned to Headquarters, U.S. Air Force to assume the post of Deputy Director, and later, the post of Director of Personnel Plans. From July 1989 through July 1991, he served as the Chief of Staff for NATO's 2d Tactical Air Force in Germany. In July 1991, General Hurley became the Director of Manpower and Organization at Headquarters U.S. Air Force. He remained in that position until May 1992, when he undertook his current assignment.

General Hurley has served the United States with great distinction and honor. Throughout his outstanding career in the U.S. Air Force, General Hurley has received numerous decorations and medals, including the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, the Meritorious Service Medal with 4 oak leaf clusters, the Air Medal with 11 oak leaf clusters, the Presidential Unit Citation, and the Vietnam Service Medal with 3 bronze stars.

Mr. President, on behalf of a grateful Nation, I ask my colleagues to join me in thanking Maj. Gen. James M. Hurley for his exemplary service in the U.S. Air Force. We wish him, his wife Donna, and their two daughters, Lisa and April, Godspeed and every success in their future endeavors. ●

VIOLENCE POLICY CENTER'S REPORT, "COP KILLERS: ASSAULT WEAPON ATTACKS ON AMERICA'S POLICE"

● Mr. SIMON. Mr. President, I would like to draw my colleagues' attention to a report recently released by the Violence Policy Center which refutes one of the most persistent criticisms of the assault weapon ban—that assault weapons are not used by criminals. The ban on semiautomatic assault weapons, enacted into law last year, has been the subject of intense criticism and unfortunately seems to be the target of an almost inevitable repeal effort in this Congress. This report should help clarify the real dangers posed by these weapons.

Despite the support of numerous law enforcement groups, and compelling testimony to the contrary, many opponents of the assault weapon ban claim that assault weapons are rarely used in crimes, and pose little threat to law enforcement personnel. This report, based on a survey of newspaper clips from across the nation from February to July, 1995, provides further evidence to the contrary.