

(2) In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and ownership of claims to ownership of confiscated property by the Government of Cuba. Such determinations are only for evidentiary purposes in civil actions brought under this Act and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end of the following new section:

“DETERMINATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

“SEC. 514. Notwithstanding any other provision of this Act and only for purposes of section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of action by the Government of Cuba”.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end of the following new section:

“EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

“SEC. 515. (a) Subject to subsection (b) neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba,

including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or non-monetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission pursuant to section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

“(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.”.

SEC. 305. DEFINITIONS.

As used in this title, the following terms have the following meanings:

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term “agency or instrumentality of a foreign state” has the meaning given that term in section 1603(b) of title 28, United States Code, except as otherwise provided for in this title under paragraph 4(B).

(2) COMMERCIAL ACTIVITY.—The term “commercial activity” has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—The term “confiscated” refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban government of, the default by the Cuban government on, or the failure by the Cuban government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban government,

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban government, or

(iii) a debt which was incurred by the Cuban government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The terms “Cuban government” and “Government of Cuba” include the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term “agency or instrumentality” is used within the meaning of section 1603(b) of title 28, United States Code.

(5) FOREIGN NATIONAL.—The term “foreign national” means—

(A) an alien, or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(6) KNOWINGLY.—The term “knowingly” means with knowledge or having reason to know.

(7) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term “official of the Cuban Government or the ruling political party in Cuba” refers to members of the Council of Ministers, Council of State, central committee of the Cuban

Communist Party, the Politburo, or their equivalents.

(8) PROPERTY.—(A) The term “property” means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of this title, the term “property” shall not include real property used for residential purposes, unless, at the time of enactment of this Act—

(I) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban government or the ruling political party in Cuba.

(9) TRAFFICS.—(A) AS used in this title, a person or entity “traffics” in property if that person or entity knowingly and intentionally—

(I) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, received, possesses, obtains, control of, manages, uses or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefitting from a confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (I) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (I) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term “traffic” does not include—

(I) the delivery of international telecommunications signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the degree that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses of property for residential purposes by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban government or the ruling political party in Cuba, unless, at the time of enactment of this title, the claim to the property is held by a United States national and the claims has been certified under title V of the International Claims Settlement Act of 1949.

(10) UNITED STATES NATIONAL.—The term “United States national” means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management to receive testimony from

academicians and State and local officials on alternatives to Federal forest land management. Testimony will also be sought comparing land management cost and benefits on Federal and State lands.

The hearing will take place Thursday, October 26, 1995, at 9 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, October 17, 1995, in open session, to receive testimony on United States policy on Bosnia and the use of United States military forces to implement a peace agreement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 17, 1995, at 2 p.m.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on the Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, October 17, 1995 at 10 a.m., in the Senate Dirksen Building room 226, to hold a hearing on Conserving Judicial Resources: The Caseload of the U.S. Court of Appeals for the District of Columbia Circuit and the Appropriate Allocation of Judgeships.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 17, 1995, to conduct a hearing on Low Income Housing Preservation Reform.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be author-

ized to meet during the session of the Senate on Tuesday, October 17, 1995, at 3 p.m. to hold a closed conference with the House Permanent Select Committee on Intelligence on the fiscal year 1996 intelligence authorization bill.

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

ADDITIONAL STATEMENTS

WORLD WAR II VETERANS LEAVE LEGACY OF FREEDOM

• Mr. THOMPSON. Mr. President, there are defining moments in history, as there are in all our lives. World War II was one of those times. History stood still while men and women from nations around the world struggled mightily to determine which direction the future would take.

Fifty years ago, when that war ended, America embarked on a journey toward freedom—not suppression; toward peace—not war; and toward progress for all peoples—not ignorance, fear and darkness.

While we still are far from reaching the end of that journey, we know now, as we did then, that our path would have been quite different had not so many American men and women offered their country years of personal sacrifice. More than 400,000 Americans gave their lives, and their simple, dignified graves here and around the world mark their heritage far better than words.

Among that number more than 6,000 Tennesseans died on foreign battlefields during that great conflict. Yet today 150,000 Tennessee men and women who served their country so well 50 years ago still are living.

On October 11, 1995, the United States Congress held a rare joint Senate-House meeting in the chamber of the House of Representatives to honor our World War II veterans, and those who served on the home front. I was pleased to be able to invite a Tennessee war veteran to attend this ceremony, and was honored to welcome Brig. Gen. Enoch Stephenson of Columbia, TN.

A combat pilot during the war, Stephenson flew 66 combat missions in a P-51 Mustang for the 8th Air Force, including missions over Berlin, Poland, and Czechoslovakia.

Stephenson, then a lieutenant based in Great Britain, normally "flew escort for heavy bombers—B-24s and B-17s—on their daylight raids," as he recounted. " * * * As the Army started working its way across Europe, we continued to escort the bombers. But after they had completed their bomb run and were headed back to England, we'd leave them and go look for targets of opportunity."

After the war Stephenson returned to Tennessee and took a position with the Third National Bank in Nashville. He also served in the Tennessee National Guard until he retired 24 years later. He is currently chairman of the World

War II Memorial Trust—an organization focused on creating a World War II memorial on the Tennessee Bicentennial walk planned for Nashville.

During his career Stephenson received the Legion of Merit, the Distinguished Flying Cross with Oak Leaf Cluster, the Air Medal with six Oak Leaf Clusters and the European Battlefield Ribbon with four Battle Stars.

But Stephenson represented more than one man when he traveled to Washington for the special ceremony and recognition. Sitting with him in that congressional Chamber were all of Tennessee's World War II veterans, living and dead.

With him was Sgt. Charles H. Coolidge of Signal Mountain who served in the 36th Infantry Division in France. On October 24, 1944, Coolidge's company was under heavy enemy tank and machine gun fire delivered at close range. Coolidge picked up a bazooka and moved to within 25 yards of the tanks. When the bazooka failed to function he threw it aside, crawled even closer and armed only with hand grenades inflicted heavy casualties on the advancing enemy.

With him was Sgt. Vernon McGarity of Memphis who served in the 99th Infantry Division. On December 16, 1944, near Krinkelt, Belgium, McGarity was wounded in an artillery barrage. After being treated at an aid station, he refused evacuation and returned to the men of his squad. Then, in the thick of battle and under heavy fire, he separately rescued two wounded American soldiers, immobilized the lead tank of the enemy with a rocket launcher, and ran through concerted enemy fire to recover ammunition critical to his unit's ability to continue the fight. When his squad was pinned down by a German machine gun, McGarity left cover, charged the machine gun, and single-handedly killed or wounded all the enemy gunners.

Also with Stephenson in that stately congressional Chamber was 1st Lt. Hugh B. Mott of Nashville who served in the 9th Armored Engineer Battalion in Germany. On March 7, 1945, Mott arrived with his unit at Remagen Bridge which crossed the Rhine River. Although the bridge was protected by enemy demolition charges and intense sniper, machine gun and 20 mm fire, Mott ran along the entire length of the bridge cutting the wires leading to the demolitions. By doing this he prevented the immediate destruction of the bridge and enabled U.S. forces to establish a bridge head on the east bank of the Rhine River.

Following the war Mott joined the Tennessee National Guard, from which he retired as a major general. He served in the State Legislature, and for several years was the chief of police in Nashville.

Mott was awarded the Distinguished Service Cross, among other honors.