Mr. President, I raise a point of order. Under rule XVI,

section 1711 of the bill is legislation on an appropriations bill.

Section 1711 of the substitute amendment makes changes to the

immigration code's bars on entry to the United States for individuals

tied to terrorist activity or groups. Although I agree with the stated

purpose of this provision--to allow the Hmong and other groups that do

not pose a threat to the United States to enter this country--I object

to the language of this provision and have introduced two amendments to

correct that language.

Everyone agrees that groups such as the Hmong and the Montagnards,

who fought bravely alongside U.S. forces during the Vietnam war, should

not be barred from entering this country. If section 1711 were tailored

to aid the Hmong and other groups that do not pose a threat to the

United States, I would have no objection to such a legislative

proposal.

Unfortunately, the text of section 1711 does much more than simply

allow the Hmong to remain in this country. The provision in this bill

would extend the waiver authority in current law to groups that are

definitely not friends of the United States--including to members of

groups that the Secretary of State has designated as Foreign Terrorist

Organizations.

Current law bars, without exception, anyone who is a member or a

representative of a terrorist organization from gaining admission to

the United States. Section 1711 would remove this categorical bar and

allow members of even Tier I terrorist organizations to seek a waiver

and admission to this country.

Tier I terrorist organizations include groups such as the Al-Aqsa

Martyrs Brigade, the group that has been responsible for the majority

of suicide bombings in Israel in recent years. Section 1711 would

extend waiver authority to the Armed Islamic Group and to the Salafist

Group for Call and Combat, the two principal terrorist groups that have

carried out a bloodthirsty campaign massacres, abductions, and rapes in

Algeria over the last 15 years. The provision in the Senate substitute

would extend waiver authority to Hamas, Hezbollah, and Palestinian

Islamic Jihad, and the Senate bill would even extend waiver authority

to al-Qaida.

I do not think that there is a single Member of this body who

believes that any member of al-Qaida, Hamas, or Hezbollah should ever

be considered for admission to this country. Yet the Senate bill would

allow members or representatives of all of these groups to be

considered for entry to the United States.

Another problem posed by section 1711 of the Senate bill is that it

would also make it very difficult to bar entry to someone who has given

material support to a terrorist organization. The section would

effectively require the Department of Homeland Security to prove a

negative--to show that an individual did not act under duress--when it

seeks to bar someone who has given material support to terrorism from

entering this country.

Imagine a situation, for example, where DHS learns that an Iraqi

seeking admission to this country had helped plant improvised explosive

devices in Iraq. Approximately 1,000 U.S. soldiers have been killed by

IEDs since the beginning of the Iraq war. And suppose

that this hypothetical individual claimed that he acted under duress--

that some unnamed person forced him to plant IEDs. Under the Senate

bill, DHS would have to prove that this person did not act under duress

in order to bar him from the United States. This makes no sense. If we

learn that someone has provided material support to terrorism, and that

person seeks a waiver and entry to this country, at the very least, it

is that person who should bear the burden of proving that he acted only

under duress.

As I mentioned earlier, I have filed two amendments that are designed

to address these problems with section 1711. I have concluded, however,

that there is no reason at all to enact this provision on the emergency

war supplemental. There is no reason that this measure cannot be

enacted through regular order. To that end, I will introduce

legislation this week that will provide relief from terrorism-related

immigration bars to the Hmong and other groups that do not pose a

threat to the United States.

Everyone agrees that groups such as the Hmong should not be barred

from the United States. Moving such a bill through regular order will

also protect the rights of the minority, and allow the full Senate to

ensure that this legislation does not include the excesses that appear

in section 1711. We all agree that we should help the Hmong. But I

would venture that we would also all agree that we should not extend

immigration waiver authority to members of Hamas and al-Qaida.