

(Mr. KOHL) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2726

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2726, a bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2852

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2852, a bill to provide increased accessibility to information on Federal spending, and for other purposes.

S. 2930

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2930, a bill to amend title 37, United States Code, to extend to members with dependents the second basic allowance for housing for members of the

National Guard and Reserve and retired members without dependents who are mobilized in support of a contingency operation, and for other purposes.

S. 2991

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. RES. 512

At the request of Mr. DEMINT, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 512, a resolution honoring the life of Charlton Heston.

AMENDMENT NO. 4737

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Florida (Mr. NELSON), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA), the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 4737 intended to be proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. CARDIN, Mr. SPECTER, and Mr. COLEMAN):

S. 3007. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today to introduce legislation with Senator NELSON of Florida in support of the Simon Wiesenthal Center's "Operation: Last Chance," a final effort to bring the remaining Nazi war criminals to justice.

The atrocities committed by Nazis and their allies were vast, redefining the modern conception of crimes against humanity. In the Nuremberg trials and other courts, many Nazis

faced accountability for their atrocities committed under the shroud of World War II. Unfortunately, some of the most guilty perpetrators of these acts escaped justice, when they fled to South America, Eastern Europe, or simply faded into postwar anonymity.

The Simon Wiesenthal Center, which is committed to raising awareness of the Holocaust, is determined not to let the remaining perpetrators escape justice. In 2002, the center initiated "Operation: Last Chance," which sought to capitalize on the opening of the Soviet archives to identify the remaining Nazi war criminals. However, time is running short, and several of the most wanted Nazis remain at large.

We are thus introducing a bill to support the center's efforts. This legislation would require that the President report on foreign cooperation in prosecuting, extraditing, and receiving extradition of wanted Nazis. It would also indicate that the United States should take such cooperation into account when considering target countries for admission into or renewal of the Visa Waiver Program.

For too many victims of the Holocaust, the crimes committed by the Nazis and their allies over 60 years ago have not been adequately redressed. Too many countries are ambiguous about helping in the search for the remaining Nazi fugitives, and so little time remains. I thus hope that this bill can help the Simon Wiesenthal Center in its pursuit of justice, and in doing so, finally lay to rest some of the terrible ghosts of the twentieth century.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 3007

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "World War II War Crimes Accountability Act of 2008".

#### SEC. 2. FINDINGS.

Congress finds the following:

- (1) Surviving Nazi war criminals are becoming increasingly rare.
- (2) The identities of many of the remaining criminals were made known only after the end of the Cold War and the collapse of Communist governments throughout eastern Europe.
- (3) In most of these formerly communist countries, the volume of available information is enormous, and the available resources to study it and identify war crimes suspects is comparatively small.
- (4) In the United States, the Office of Special Investigations (OSI) of the Department of Justice is responsible for detecting, investigating and taking legal action to denaturalize or deport persons who took part in Nazi-sponsored acts of persecution committed abroad between 1933 and 1945.
- (5) As of April 2008, OSI had successfully prosecuted more than 100 people involved in Nazi war crimes who were residing in the United States.
- (6) As a government office with limited resources, OSI is under enormous strain to

identify and prosecute those criminals identified by newly-released records before it is too late.

(7) Some foreign governments hinder the efforts of OSI, Congress, and the United States government to extradite or deport convicted Nazi war criminals from the United States to their country of origin or other relevant jurisdiction.

(8) Certain nongovernmental organizations have been instrumental in the search for wanted Nazi war crimes suspects for over 60 years.

(9) In 2002, the Simon Wiesenthal Center launched Operation: Last Chance to maximize the identification and help facilitate the prosecution of the remaining unprosecuted Nazi war criminals, helping to achieve justice for the victims of the Holocaust.

(10) Simon Wiesenthal, a survivor of the Nazi death camps whose work stands as a reminder and a warning for future generations, dedicated his life to—

(A) documenting the crimes of the Holocaust; and

(B) hunting down the perpetrators still at large.

(11) As founder and head of the Jewish Documentation Center in Vienna, Simon Wiesenthal successfully brought to justice wanted Nazi war criminals, including—

(A) Franz Stangl, the commandant of the Treblinka death camp;

(B) Franz Murer, “The Butcher of Wilno”; and

(C) Erich Rajakowitsch, who was in charge of the “death transports” in Holland.

(12) Mr. Wiesenthal’s work, which contributed enormously to the modern understanding of justice, war crimes, and crimes against humanity, should be continued.

(13) Of the most guilty Nazis and Nazi collaborators still at large, Operation: Last Chance has identified the following suspects:

(A) Dr. Aribert Heim, who served as a medical doctor at the Sachsenhausen, Buchenwald, and Mauthausen concentration camps, is the most wanted ex-Nazi still at large. His most terrible crimes were committed at Mauthausen, where he murdered hundreds of inmates by administering lethal injections of phenol to their hearts or by other torturous killing methods during the fall of 1941. His whereabouts are unknown.

(B) Dr. Sandor Képiró, who served as an officer in the Hungarian gendarmerie, was 1 of several Hungarian officers convicted in 1944 for the mass murder of several thousand civilians (mostly Jews) in the city of Novi Sad on January 23, 1942. In the wake of the occupation of Hungary in March 1944, he was pardoned, promoted, and returned to active service. He escaped to Austria in 1945, fled to Argentina in 1948, and returned to Hungary in 1996.

(C) Milivoj Asner, who served as the police chief of the city of Slavenska Pozega. During 1941 and 1942, Mr. Asner orchestrated the robbery, persecution and destruction of the local Serb, Jewish and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps, where most of the deportees were murdered. After his exposure in Operation: Last Chance, the former police chief later escaped once again to Klagenfurt, Austria where he currently resides.

(D) Charles Zentai is accused of murdering 18-year-old Peter Balazs, a Jewish boy he caught riding a Budapest tram without the requisite yellow star on November 8, 1944. After Hungarian requests for his extradition went unanswered, Zentai was able to immigrate to Australia in February 1950, where he currently lives.

### SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the United States should actively encourage extradition and prosecution of the remaining Nazi war criminals (as described by 8 U.S.C. 1182 (a)(3)(e));

(2) the Simon Wiesenthal Center should be commended for its historic work in bringing to light the atrocities of the Holocaust and in advancing justice for Nazi war criminals through Operation: Last Chance; and

(3) the Office of Special Investigation of the Department of Justice is advancing the declared foreign policy of the United States by bringing wanted World War II criminals to justice and should be commended for its actions.

### SEC. 4. DESIGNATION OF VISA WAIVER PROGRAM COUNTRIES.

(a) COOPERATION.—After a country is initially designated as a visa waiver program country under section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), the Attorney General, in evaluating the effect that such designation would have on the law enforcement and security interests of the United States under paragraph (2)(C) of such section, shall consider the extent to which such country is cooperating in—

(1) extraditing or prosecuting wanted or indicted Nazi war criminals to the relevant jurisdiction; and

(2) admitting into their territory aliens described in section 212(a)(3)(E)(i) and ordered removed from the United States by a United States immigration judge, the Board of Immigration Appeals, or a Federal court.

(b) PRESIDENTIAL DISCRETION.—

(1) IN GENERAL.—If the President determines that it would not be in the national interest of the United States to terminate a country’s designation as a visa waiver program country based on the evaluation under subsection (a), the President may decline to terminate such designation after providing advance written notification to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) CONTENTS.—In providing notification under paragraph (1), the President shall—

(A) identify each crime suspect described in subsection (a)(2) whose admission has not been effected; and

(B) submit copies of all decisions rendered by United States immigration judges, the Board of Immigration Appeals, and Federal courts that relate to such crime suspects.

### SEC. 5. ANNUAL REPORT.

In each of the fiscal years 2009 through 2013, the President shall submit an annual report to the committees listed in section 4(b)(1), which describes, for each country that has a pending application for entry into or renewal of the visa waiver program, whether such country is—

(1) cooperating satisfactorily in extraditing or deporting wanted Nazi war crimes suspects to the jurisdiction in which they have been indicted or convicted;

(2) prosecuting wanted Nazi war crimes suspects effectively within such country’s jurisdiction; and

(3) cooperating satisfactorily in admitting to the territory of such country aliens described in section 212(a)(3)(E)(i) and ordered removed from the United States territory by a United States immigration judge, the Board of Immigration Appeals, or a Federal court.

Mr. NELSON of Florida. Senator GORDON SMITH of Oregon and I are introducing the World War II Accountability Act, which seeks to compel foreign governments harboring Nazi war criminals to prosecute and extradite those individuals. It is a sad truth that more than 60 years after World War II some countries continue to provide safe haven for these war criminals. Bringing these surviving Nazis to justice is a time-sensitive affair, and one that can bring much needed peace to those remaining holocaust survivors who have already suffered so much.

In the United States, the Office of Special Investigations, OSI, of the Department of Justice is responsible for detecting, investigating and taking legal action to denaturalize or deport persons who took part in Nazi sponsored acts of persecution committed between 1933 and 1945. As of August 2005, OSI had successfully prosecuted 100 persons involved in Nazi war crimes who were residing in the U.S.

Nongovernmental organizations are also integral to these detection and investigation efforts. In 2002, the Simon Wiesenthal Center launched Operation: Last Chance to maximize identification and to help facilitate the prosecution of remaining Nazi war criminals.

Of the most egregious Nazi war criminals, Operation: Last Chance has identified suspects like Mr. Milivoj Asner, who served as the police chief of the city of Slavenska Pozega. Mr. Asner orchestrated the persecution and destruction of the local Serb, Jewish, and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps. Mr. Asner currently resides in Klagenfurt, Austria. The center has also identified Dr. Aribert Heim, who served as a medical doctor at the Sachsenhausen, Buchenwald, and Mauthausen concentration camps. His most terrible crimes occurred at Mauthausen, where he murdered hundreds of prisoners by administering lethal injections into their hearts or by other torturous killing methods. Dr. Heim’s whereabouts are unknown.

Unfortunately, even the best efforts of OSI and organizations like the Simon Wiesenthal Center to identify and investigate Nazi war criminals are not enough. Some foreign governments hinder the extradition of convicted Nazi war criminals between the U.S. and their country of origin.

The World War II Accountability Act seeks to remedy this situation by making cooperation in the extradition of Nazi war criminals a prerequisite to a country’s inclusion in the U.S. visa waiver program. This is a powerful incentive for countries that continue to harbor these criminals. I believe it is a necessary tool to compel the relevant countries to cooperate with our search for justice. For holocaust survivors, this justice is long overdue.