

111TH CONGRESS
1ST SESSION

H. R. 1439

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2009

Mr. ISRAEL introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “World War II War
5 Crimes Accountability Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Surviving Nazi war criminals are becoming
4 increasingly rare.

5 (2) The identities of many of the remaining
6 criminals were made known only after the end of the
7 Cold War and the collapse of Communist govern-
8 ments throughout eastern Europe.

9 (3) In most of these formerly Communist coun-
10 tries, the volume of available information is enor-
11 mous, and the available resources to study it and
12 identify war crimes suspects is comparatively small.

13 (4) In the United States, the Office of Special
14 Investigations (OSI) of the Department of Justice is
15 responsible for detecting, investigating, and taking
16 legal action to denaturalize or deport persons who
17 took part in Nazi-sponsored acts of persecution com-
18 mitted abroad between 1933 and 1945.

19 (5) As of April 2008, OSI had successfully
20 prosecuted more than 100 people involved in Nazi
21 war crimes who were residing in the United States.

22 (6) As a Government office with limited re-
23 sources, OSI is under enormous strain to identify
24 and prosecute those criminals identified by newly re-
25 leased records before it is too late.

1 (7) Some foreign governments hinder the ef-
2 forts of OSI, Congress, and the United States Gov-
3 ernment to extradite or deport convicted Nazi war
4 criminals from the United States to their country of
5 origin or other relevant jurisdiction.

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

9 (9) In 2002, the Simon Wiesenthal Center
10 launched Operation: Last Chance to maximize the
11 identification and help facilitate the prosecution of
12 the remaining unprosecuted Nazi war criminals,
13 helping to achieve justice for the victims of the Hol-
14 ocaust.

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

19 (A) documenting the crimes of the Holo-
20 caust; and

21 (B) hunting down the perpetrators still at
22 large.

23 (11) As founder and head of the Jewish Docu-
24 mentation Center in Vienna, Simon Wiesenthal suc-

1 cessfully brought to justice wanted Nazi war crimi-
2 nals, including—

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

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

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

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

13 (13) Of the most guilty Nazis and Nazi collabo-
14 rators still at large, Operation: Last Chance has
15 identified the following suspects:

16 (A) Dr. Aribert Heim, who served as a
17 medical doctor at the Sachsenhausen, Buchen-
18 wald, and Mauthausen concentration camps, is
19 the most wanted ex-Nazi still at large. His most
20 terrible crimes were committed at Mauthausen,
21 where he murdered hundreds of inmates by ad-
22 ministering lethal injections of phenol to their
23 hearts or by other torturous killing methods
24 during the fall of 1941. His whereabouts are
25 unknown.

1 (B) Dr. Sandor Kepiro, who served as an
2 officer in the Hungarian gendarmerie, was one
3 of several Hungarian officers convicted in 1944
4 for the mass murder of several thousand civil-
5 ians (mostly Jews) in the city of Novi Sad on
6 January 23, 1942. In the wake of the occupa-
7 tion of Hungary in March 1944, he was par-
8 doned, promoted, and returned to active service.
9 He escaped to Austria in 1945, fled to Argen-
10 tina in 1948, and returned to Hungary in 1996.

11 (C) Milivoj Asner, who served as the police
12 chief of the city of Slavenska Pozega. During
13 1941 and 1942, Mr. Asner orchestrated the
14 robbery, persecution, and destruction of the
15 local Serb, Jewish, and Gypsy communities,
16 which culminated in the deportation of hun-
17 dreds of civilians to Ustasha concentration
18 camps, where most of the deportees were mur-
19 dered. After his exposure in Operation: Last
20 Chance, the former police chief later escaped
21 once again to Klagenfurt, Austria, where he
22 currently resides.

23 (D) Charles Zentai is accused of mur-
24 dering 18-year-old Peter Balazs, a Jewish boy
25 he caught riding a Budapest tram without the

1 requisite yellow star on November 8, 1944.
2 After Hungarian requests for his extradition
3 went unanswered, Zentai was able to immigrate
4 to Australia in February 1950, where he cur-
5 rently lives.

6 **SEC. 3. SENSE OF THE HOUSE OF REPRESENTATIVES.**

7 It is the sense of the House of Representatives that—

8 (1) the United States should actively encourage
9 extradition and prosecution of the remaining Nazi
10 war criminals (as described by 8 U.S.C.
11 1182(a)(3)(e));

12 (2) the Simon Wiesenthal Center should be
13 commended for its historic work in bringing to light
14 the atrocities of the Holocaust and in advancing jus-
15 tice for Nazi war criminals through Operation: Last
16 Chance; and

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

22 **SEC. 4. DESIGNATION OF VISA WAIVER PROGRAM COUN-**
23 **TRIES.**

24 (a) COOPERATION.—After a country is initially des-
25 ignated as a visa waiver program country under section

1 217(c) of the Immigration and Nationality Act (8 U.S.C.
2 1187(c)), the Attorney General, in evaluating the effect
3 that such designation would have on the law enforcement
4 and security interests of the United States under para-
5 graph (2)(C) of such section, shall consider the extent to
6 which such country is cooperating in—

7 (1) extraditing or prosecuting wanted or in-
8 dicted Nazi war criminals to the relevant jurisdic-
9 tion; and

10 (2) admitting into their territory aliens de-
11 scribed in section 212(a)(3)(E)(i) and ordered re-
12 moved from the United States by a United States
13 immigration judge, the Board of Immigration Ap-
14 peals, or a Federal court.

15 (b) PRESIDENTIAL DISCRETION.—

16 (1) IN GENERAL.—If the President determines
17 that it would not be in the national interest of the
18 United States to terminate a country's designation
19 as a visa waiver program country based on the eval-
20 uation under subsection (a), the President may de-
21 cline to terminate such designation after providing
22 advance written notification to—

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

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

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

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

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

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

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

16 **SEC. 5. ANNUAL REPORT.**

17 In each of the fiscal years 2010 through 2014, the
18 President shall submit an annual report to the committees
19 listed in section 4(b)(1), which describes, for each country
20 that has a pending application for entry into or renewal
21 of the visa waiver program, whether such country is—

22 (1) cooperating satisfactorily in extraditing or
23 deporting wanted Nazi war crimes suspects to the
24 jurisdiction in which they have been indicted or con-
25 victed;

1 (2) prosecuting wanted Nazi war crimes sus-
2 pects effectively within such country's jurisdiction;
3 and

4 (3) cooperating satisfactorily in admitting to
5 the territory of such country aliens described in sec-
6 tion 212(a)(3)(E)(i) and ordered removed from the
7 United States territory by a United States immigra-
8 tion judge, the Board of Immigration Appeals, or a
9 Federal court.

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